

No. _____

THE COURT OF APPEALS OF
THE STATE OF WASHINGTON – DIVISION II

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Respondent,

v.

JOSEPH ALLEN CAMPBELL,

Petitioner.

PETITIONER’S PERSONAL RESTRAINT PETITION

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A. ASSIGNMENTS OF ERROR

1. The ISRB abused its discretion in finding a violation and subsequently revoking Mr. Campbell's release.
2. The ISRB violated the State created liberty interest doctrine and Mr. Campbell's procedural due process rights in finding a violation and subsequently revoking Mr. Campbell's release.

B. STATEMENT OF THE CASE

Mr. Campbell was convicted of rape of a child in the second degree with 125 months imposed as the minimum term and life imposed as the maximum term, pursuant to the Indeterminate Sentencing Review Board (herein "ISRB" or "Board").¹ Mr. Campbell was released from prison on April 4, 2017.² While on community custody, DOC alleged seven violations of his community custody, including as follows:

1. Consuming methamphetamine between 12/01/2020 and 01/29/2021.

¹ See Judgment and sentence (attached as "Appendix A").

² See DOC Board – Notice of Violation (attached as "Appendix B").

2. Failure to notify CCO within 48 hours of arrest before 01/21/2021.
3. Failing to be available for contact with CCO before 01/25/2021.
4. Commit possession of stolen motor vehicle (two counts) on 01/18/2021.
5. Commit malicious mischief third degree (domestic violence) on 01/18/2021.
6. Commit interfering with reporting domestic violence on 01/18/2021.
7. Commit violation of no contact order on 01/27/2021.

The Board proceeded with a hearing on March 11, 2021.³ The parties understood that allegations 4 through 7 were unadjudicated criminal charges. *Id* at p.7. Nevertheless, the Board found that Mr. Campbell violated allegations 5 and 6.⁴ Allegation 4 was found not guilty and allegation 7 was dismissed without prejudice. *Id*.

Mr. Campbell filed a series of grievances, indicating that he has never been found guilty of a crime against Krystle Vian,

³ See Report of Proceedings - March 11, 2021 Violation Hearing (attached as “Appendix C”).

⁴ See ISRB Findings and Conclusions and associated Board decision letter (attached as “Appendix D”).

the alleged victim of allegations 5 and 6.⁵ The judgement and sentence was included from the subsequently adjudicated offense regarding said allegations. *Id* at pp.6-12. The charge regarding allegation 6 was dismissed and the charge regarding allegation 5 did not include any admission of guilt regarding Ms. Vian being the named victim. *Id*. The district court later clarified the issue after motion by Mr. Campbell.⁶ The exhibits provided to the court indicate that the actual victim of the malicious mischief conviction was Dennis Campbell, the owner of the phone that was broken. *Id* at p.6. The district court clarified that this was not a domestic violence offense and that a particular victim was not identified at the time of the plea. *Id* at 13. Nevertheless, the Board stated that Mr. Campbell was convicted of malicious mischief third degree (domestic violence) and that Ms. Vian was the victim of record. *Id* at p.20.

⁵ See Grievances and DOC responses (attached as “Appendix E”).

⁶ See Motion to clarify sentence and corresponding memorandum of disposition (attached as “Appendix F”).

The Level II resolution response offered by CPM Schreiber states “Records show the visitor in question, Krystel Vian as a victim of an adjudicated offense. An offense you were found guilty of per the State of Washington Indeterminate Sentence Review Board”. *See* Appendix E (Level II Resolution Response, pp. 1-2).

This personal restraint petition follows.

C. ARGUMENT

1. This personal restraint petition is timely made.

A collateral attack on the ISRB decision denying conditional release is not an “attack on a judgment and sentence in a criminal case” as contemplated by RCW 10.73.090, and the one-year time bar under that statute does not apply. *In re Pers. Restraint of Betts*, 21 Wn. App. 2d 173, 177, 505 P.3d 148 (2022). The time bar for collateral attack on a criminal judgment under RCW 10.73.090 does not apply to a PRP challenging prison disciplinary decisions by DOC. *In re Pers. Restraint of Heck*, 14 Wn. App. 2d 335, 340-41, 470 P.3d 539 (2020). Since

the PRP is civil in nature, “and no other statute or court rule expressly addresses time limits on filing in this context,” the two-year “ ‘catch all’ ” statute of limitations in RCW 4.16.1305 applies. *Heck*, 14 Wn. App. 2d at 340-41. Therefore, the two-year statute of limitations under RCW 4.16.130 applies to a collateral attack of an ISRB decision denying conditional release. *Betts*, 21 Wn. App. 2d at 178. Accordingly, Mr. Campbell’s PRP is not time barred.

2. The ISRB abused its discretion in finding a violation and subsequently revoking Mr. Campbell’s release.

The ISRB is not a judicial body; it is an executive agency taking administrative action. *See Taggart v. State*, 118 Wn.2d 195, 204, 207, 822 P.2d 243 (1992) (parole board granted quasi-judicial immunity as a governmental agency taking administrative action); *see also In re Pers. Restraint of Lain*, 179 Wn.2d 1, 16, 315 P.3d 455 (2013) (parole is an administrative decision); *State v. Mulcare*, 189 Wn. 625, 628, 66 P.2d 360 (1937) (“execution” of a sentence is not judicial; it is a power

“administrative in character,” vested in the administrative body according to the manner prescribed by the legislature). The court will review parole decisions to ensure the ISRB exercises its discretion in accordance with the applicable statutes and rules. *In re Dyer*, 157 Wn.2d 358, 363, 139 P.3d 320 (2006). The ISRB abuses its discretion when it fails to follow its own procedural rules for parole hearings or acts without consideration of and in disregard of the facts. *In re Pers. Restraint of Addleman*, 151 Wn.2d 769, 776–77, 92 P.3d 221 (2004).

The legislature requires the ISRB to “attempt to make decisions reasonably consistent with [the SRA] ranges, standards, purposes, and recommendations [of the sentencing judge and prosecuting attorney]” and “give public safety considerations the highest priority when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole, parole release, and conditions of parole.” RCW 9.95.009(2), (3). Community custody in Washington amounts to parole. See *Grisby v. Herzog*, 190 Wn. App. 786, 800-01, 362

P.3d 763 (2015) (citing *In re Pers. Restraint Petition of McNeal*, 99 Wn. App. 617, 633, 994 P.2d 890 (2000)).

The process for responding to alleged violations of new criminal activity is spelled out in DOC Policy 460.130.⁷ When a criminal matter is pending, DOC is to dismiss the administrative allegation without prejudice and then monitor the criminal matter for resolution at least once every 30 days. *Id* at pp. 12-13.

Likewise, this understanding is spelled out in WAC 381-100-100(6) (Notice and allegations) (Allegations of a new crime):

Whenever an offender is accused of a violation of their community custody that includes the commission of a felony or misdemeanor, the community corrections officer shall advise the board of the status of any pending charge(s). In the case of pending criminal allegations, the board may defer any board hearing pending the outcome or may dismiss without prejudice one or more allegations. If the offender is convicted of a new crime, the CCO shall provide the board with a certified copy of the judgment and sentence.

⁷ See DOC Policy 460.130 (attached as “Appendix G”).

This confirms that DOC must set over the hearing until the new alleged criminal law violations are adjudicated or dismiss those allegations without prejudice.

In the instant case, DOC did not dismiss allegations 5 and 6 without prejudice, as is required under DOC 460.130. It is not the province of the ISRB to adjudicate the guilt or innocence of those offenders under its jurisdiction because the ISRB is not a fact finder for uncharged offenses. It is an abuse of discretion for the ISRB to conclusively assume guilt for something never adjudicated. The Board did not follow DOC's policies as required and therefore abused its discretion in finding allegations 5 and 6 committed. *Addleman*, 151 Wn.2d at 776–77.

3. The ISRB violated the State created liberty interest doctrine and Mr. Campbell's procedural due process rights in finding a violation and subsequently revoking Mr. Campbell's release.

Due process protects against the deprivation of life, liberty or property. U.S. Const. amend. 14, § 1.1 The threshold question in any due process challenge is whether the challenger has been

deprived of a protected interest in life, liberty or property. *See In re J.H.*, 117 Wn.2d 460, 472–73, 815 P.2d 1380 (1991). Liberty interests may arise from either of two sources, the due process clause and state laws. *Matter of Cashaw*, 123 Wn.2d 138, 146, 866 P.2d 8 (1994); *Hewitt v. Helms*, 459 U.S. 460, 466, 103 S.Ct. 864, 868, 74 L.Ed.2d 675 (1983); *Toussaint v. McCarthy*, 801 F.2d 1080, 1089 (9th Cir.1986), cert. denied, 481 U.S. 1069, 107 S.Ct. 2462, 95 L.Ed.2d 871 (1987).

State statutes or regulations can create due process liberty interests where none would have otherwise existed. *See Hewitt*, 459 U.S. at 469; *Toussaint*, 801 F.2d at 1089; *In re Powell*, 117 Wn.2d 175, 202-03, 814 P.2d 635 (1991). By enacting a law that places substantive limits on official decision making, the State can create an expectation that the law will be followed, and this expectation can rise to the level of a protected liberty interest. *See Toussaint*, 801 F.2d at 1094.

For a state law to create a liberty interest, it must contain “substantive predicates” to the exercise of discretion and

“specific directives to the decisionmaker that if the regulations' substantive predicates are present, a particular outcome must follow”. *Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 463, 109 S.Ct. 1904, 1910, 104 L.Ed.2d 506 (1989); *Swenson v. Trickey*, 995 F.2d 132, 134 (8th Cir.), cert. denied, 510 U.S. 999, 114 S.Ct. 568, 126 L.Ed.2d 468 (1993). Thus, laws that dictate particular decisions given particular facts can create liberty interests, but laws granting a significant degree of discretion cannot. The bottom line is whether the state law contains “substantive predicates” to the exercise of discretion and “specific directives to the decisionmaker that if the regulations' substantive predicates are present, a particular outcome must follow”. *Thompson*, 490 U.S. at 463, 109 S.Ct. at 1910; *Swenson*, 995 F.2d at 134.

Washington State has directed that the Department of Corrections is to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the public institutions under its

control and shall therein prescribe in a manner consistent with the lawful provisions of this title, the duties of the person connected with the management of such public institution. *See* RCW 72.01.090. The powers and duties vested to the Department of Social & Health Services to the management of adult correction facilities was transferred to the Secretary of the Department of Corrections, currently Cheryl Strange. *See* RCW 72.09.040; *see also* RCW 9.95.002 (powers and duties of the ISRB transferred to the DOC).

In accordance with the legislative intent in the enactment of RCW 43.17.010(13) and RCW 72.01.090, RCW 9.95.435(3) states in relevant part:

If an offender released by the board under RCW 9.95.420, 10.95.030(3), or 9.94A.730 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. **The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures**

and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

RCW 9.95.435(3) (emphasis added). Moreover, WAC 381-100, *et. seq.* outlines the procedures for conducting community custody board violation hearings. *See, e.g.,* WAC 381-100-030 (Scope.) (“The provisions of this chapter shall apply to adult felony offenders granted community custody from a prison sentence under RCW 9.94A.507 who are alleged to have violated the terms of their order of release.”).

The Department of Corrections implemented and adopted rules and regulations within its policies. Specifically in response to the legislative directive. DOC Policies 100.100⁸ states in

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<<https://www.doc.wa.gov/information/policies/showFile.aspx?name=100100>> (last accessed August 19, 2022).

relevant part: “SII. All employees, will have access to and be responsible for understanding and complying with all policies.”

This includes all employees of the Indeterminate Sentencing Review Board (ISRB). *See* RCW 9.95.0002(1)(3); *see also* DOC Policy 320.100⁹ (ISRB). Because state officials and employees must execute the law as well as comply with it, they do not have the luxury of abandoning it. The statutory scheme from which these policies originated is RCW 72.01.090, RCW 43.17.010(13), and RCW 9.95.435(3).

Policies, rules, and regulations as implemented, created, and adopted under these RCWs are binding and create duties and liberty interests. *See* RCW 72.09.010; RCW 72.01.050; RCW 72.09.040; RCW 43.17.010(13); RCW 72.02.045(1); RCW 9.92.110; RCW 9.95.435(3); *see also* *Gregoire v. City of Oak Harbor*, 170 Wn.2d 628, 636, 244 P.3d 924 (2010).

⁹

<<https://www.doc.wa.gov/information/policies/showFile.aspx?name=320100>> (last accessed August 19, 2022).

The *Hewitt/Thompson* test, as described above, still applies to incarcerated individuals like Mr. Campbell who is under the custody and control of the Department of Corrections and the ISRB. Because DOC Policies 320.100 and 100.100 were enacted pursuant to RCW 72.01.090, it was a delegation of legislative authority, and they have the force of law. *Mills v. Western Washington University*, 170 Wn.2d 903, 911-12, 246 P.3d 1254 (2011).

Clearly, a reasonable understanding and therefore a reliance upon the wording of DOC policies and state statute, RCW 9.95.435(3), amounts to a state created liberty interest in Mr. Campbell's revocation of release hearing, as based on the well-established practice recognized as necessary by the courts. This finding is controlled by *Carlo v. City of Chino*, 105 F.3d 493, 495 (9th Cir. 1997). In *Carlo*, the Ninth Circuit found a liberty interest when a controlling regulation stated that all arrestees "shall" be given three calls upon intake. Use of this mandatory language was held to create a Fourteenth Amendment

protected right to those calls. Using the same analysis, DOC policy directs the ISRB to develop hearing procedures and a structure of graduated sanctions. RCW 9.95.435(3).

The Supreme Court has “[r]epeatedly held that State statutes may create liberty interests that are entitled to the procedural protections of the due process clause of the Fourteenth Amendment.” *Vitek v. Jones*, 445 U.S. 480, 488, 100 S.Ct. 1254, 63 L.Ed.2d 552 (1980). A liberty interest may arise from the Constitution, from guarantees implicit in the word ‘liberty,’ or from an expectation or interest created by state laws or policies. *Wilkinson v. Austin*, 545 U.S. 209, 221, 125 S.Ct. 2384, 162 L.Ed.2d 174 (2005). Where an individual establishes a liberty interest, some minimal due process protections apply. *See Morrissey v. Brewer*, 408 U.S. 471, 481–82, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972). Our Supreme Court established that an inmate has a liberty interest in release prior to the expiration of a valid sentence under RCW 9.95.420(3), but an inmate that is facing *revocation* has even greater liberty interests and

procedural due process protections. *In re McCarthy*, 161 Wn.2d 234, 240, 164 P.3d 1283, 1286 (2007). Accordingly, an inmate has a heightened liberty interest when dealing with a revocation of release under RCW 9.95.435(3). The more significant liberty interest arises because parolees live a relatively normal life after release from prison and rely on the implicit promise that the State will revoke parole only if they fail to abide by the parole conditions. *Morrissey*, 408 U.S. at 482, 480, 92 S.Ct. 2593.

Here, DOC is required to dismiss allegations 5 and 6 without prejudice, pursuant to DOC Policy 460.130 (V). The dismissal without prejudice policy is mandatory of DOC officers, not discretionary. The purpose of this rule is to allow the criminal court proceeding to work itself out while DOC monitors said proceeding. DOC will take up the matter upon an actual criminal conviction. These are specific, substantive directives to the decisionmaker that if the regulation's substantive predicates are present (*i.e.* a criminal matter is pending), a particular outcome

must follow (*i.e.* the allegation must be dismissed without prejudice).

Mr. Campbell's CCO, Mr. Stelter, was not recommending revocation but only recommending (1) release directly into an intensive in-patient treatment facility and successfully complete the program; (2) minimum 90 days GPS monitoring; and (3) maintain stable housing and employment. *See* Appendix B, p. 4. However, contrary to statute, Mr. Stelter introduced an unnoticed piece of evidence in the form of a police report at the hearing. Nowhere in CCO Stelter's violation report does it mention a second arrest of Mr. Campbell. This is contrary to the notice requirements of RCW 9.94A.737(6)(a)-(c), WAC 381-70-120, and WAC 381-70-160(3). This police report was brought into Mr. Campbell's revocation hearing as proof of the unnoticed admission of the aforementioned police report. *See* Appendix C, p. 34:1-16. Moreover, Appendix C, p. 35:1-20 gives the appearance that the Board, CCO Stelter, and even Mr. Campbell's attorney were aware of the substantive predicates and

controlling language of the aforementioned RCW and WACs.

This police report was read into the record in part by CCO Stelter. *Id* at p. 35:16-25, p.36: 1-25, p.37:1-7. It is noteworthy that the hearing officer correctly stated on the record that she would not consider the unnoticed police report, yet in her findings and conclusions she confirmed that the unnoticed police report was a factor considered when she ordered revocation, specifically stating: “CCO Stelter testified that his recommendation prior to receiving the police report was treatment, 90 days GPS, and obtain work and stable housing. Now, given the police report, he recommends either revocation or reinstatement with additional conditions. CCO Stelter could not be confident that only treatment would be the appropriate solution given the nature of the other alleged violations in his report and the police report”. *See* Appendix D, p. 4. The Board violated Mr. Campbell’s procedural due process when it violated the WACs.

At the Level III resolution response and appeal, Mr. Campbell laid out the violation of his procedural due process rights and his current unlawful restraint and invited the DOC/ISRB to dispute those factual allegations. It is clear that the DOC/ISRB chose a path of silent acquiescence rather than to dispute these factual allegations. *See* Appendix E (resolution request and appeal response Level III). Now that this same evidence is before this court, the holding in *In re Rice*, will control. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992) (In order to define disputed questions of fact, the State must meet the petitioner's evidence with its own competent evidence). The DOC/ISRB did not meet Mr. Campbell's evidence with their own competent evidence and *quasi*-admits that the ISRB violated its discretion by acting as an adjudicator of crimes.

Lastly, even though Mr. Campbell does not have a Sixth Amendment right to counsel, he does have a procedural due process right to counsel under the Fourteenth Amendment.

State v. McMurtry, 20 Wn.App.2d 811, 502 P.3d 906 (2022).

And although the *Strickland*¹⁰ test for ineffective assistance of counsel under the Sixth Amendment does not apply, Mr.

Campbell presumably has the right to effective counsel through the procedural due process clause of the Fourteenth

Amendment. If assistance of counsel at the revocation hearing

is a right protected by the Fourteenth Amendment, then it

logically follows that counsel must be competent in that

assistance. Denial of the assistance of counsel through

incompetence of counsel is the denial of assistance of counsel.

In this case, Mr. Campbell's attorney failed to object to the

admission of the untimely disclosed police report.

In the instant case, DOC's failure to follow substantive DOC policy resulted in a violation of the state created liberty interest doctrine of the Fourteenth Amendment. This also resulted in a violation of Mr. Campbell's procedural due process rights

¹⁰ *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

under the Fourteenth Amendment. Accordingly, the Board's revocation decision must be reversed.

D. CONCLUSION

Given the foregoing, the petitioner respectfully requests that this court reverse DOC's revocation.

There are 3518 words in this document.

DATED this 2nd day of September, 2022

Respectfully submitted,

s/ Sean M. Downs
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CERTIFICATE OF SERVICE

I, Sean M. Downs, a person over 18 years of age, served the Department of Corrections by causing to be mailed via U.S. Mail first class postage prepaid, a true and correct copy of the document to which this certification is affixed, on September 2, 2022 to mailing address PO BOX 41100, Mail Stop 41100 Olympia, WA 98504-1100.

s/ Sean M. Downs
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APPENDIX A

FILED**NOV 29 2004**SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK

JoAnne McBride, Clerk, Clark Co.

STATE OF WASHINGTON, Plaintiff,

v

JOSEPH ALLEN CAMPBELL

aka SID CAMPBELL, JOSEPH CAMPBELL

Defendant

SID

DOB 4/6/1985

No 03-1-00985-7

JUDGMENT AND SENTENCE (JS)**PRISON - COMMUNITY
PLACEMENT/COMMUNITY CUSTODY****NON PERSISTENT OFFENDER -
RCW 9.94A.712**☐ Clerk's action required Paragraph 5.7**I. HEARING****03 9 05950 1**

- 1 1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present

II. FINDINGS

There being no reason why judgment should not be pronounced, the Court FINDS

- 2 1 **CURRENT OFFENSE(S)** The defendant was found guilty on **July 3, 2003**
(Date)

by ☒ plea ☐ jury-verdict ☐ bench trial of

COUNT

CRIME

RCW

DATE OF CRIME

01 RAPE OF A CHILD IN THE SECOND DEGREE

9A 44 076

5/15/2003

as charged in the Information

The court finds that the Defendant is subject to sentencing under RCW 9 94A 712

- ☐ A special verdict/finding for use of **firearm** was returned on Count(s) _____
RCW 9 94A 602, 510
- ☐ A special verdict/finding for use of **deadly weapon** other than a firearm was returned on
Count(s) _____ RCW 9 94A 602
- ☐ A special verdict/finding of **sexual motivation** was returned on Count(s) _____
RCW 9 94A 835

42 SP

- ☐ A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) _____, RCW 69 50.401 and RCW 69 50 435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district, or in a public park, public transit vehicle, or public transit stop shelter, or in, or within 1000 feet of the perimeter of, a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- ☐ The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense RCW 9 94A.030
- ☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent RCW 9A 44 130
- ☐ The court finds that the offender has a **chemical dependency** that has contributed to the offense(s) RCW 9 94A 607
- ☐ The crimes charged in Count(s) _____ is/are Domestic Violence offense(s) as that term is defined in RCW 10 99 020.
- ☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9 94A, RCW 69 50.401(a), RCW 69 50 440
- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are Count(s) _____ RCW 9 94A 589
- ☐ Additional misdemeanor crime(s) pertaining to this cause number are contained in a separate Judgment and Sentence
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number)

2.2 CRIMINAL HISTORY (RCW 9.94A.52.5)

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv	TYPE OF CRIME
1	RESIDENTIAL BURGLARY	10/20/99	CLARK/WA 12301	10/6/99	J	
2	RESIDENTIAL BURGLARY	3/20/00	CLARK/WA 03264	3/11/00	J	
3	BURGLARY II	9/18/00	CLARK/WA 10210	8/24/00	J	

- ☐ Additional criminal history is attached in Appendix 2.2
- ☐ The defendant committed a current offense while on community placement (adds one point to score) RCW 9 94A 525
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score RCW 9.94A 525 _____
- ☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46 61 520. _____
- ☐ The State has moved to dismiss count(s)

2 3 SENTENCING DATA

COUNT NO	OFFENDER SCORE	SERIOUS-NESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
01	2	XI	95 MONTHS to 125 MONTHS		95 - 125 months	LIFE \$50000

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh Hom, See RCW 46 61 520

☐ Additional current offense sentencing data is attached in Appendix 2 3

2 4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence ☐ above ☐ within ☐ below the standard range for Count(s) Findings of fact and conclusions of law are attached in Appendix 2 4 The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein RCW 9 94A 750/753

2 6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows

If no formal written plea agreement exists, the agreement is as set forth in the Defendant's Statement on Plea of Guilty

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2 1 and Appendix 2 1

3 2 ☐ The Court DISMISSES Counts .

☐ The defendant is found NOT GUILTY of Counts .

3.3 There ☐ do ☐ do not exist substantial and compelling reasons justifying an exceptional sentence outside the presumptive sentencing range.

IV. SENTENCE AND ORDER

IT IS ORDERED

4 1 Defendant shall pay to the Clerk of this Court

\$None	Restitution to be paid to	RCW 9 94A 750/753
	<input type="checkbox"/> Victim(s) and amounts to be set by separate court order	
\$110 00	Criminal filing fee	RCW 9 94A 505
\$500.00	Victim assessment	RCW 7 68 035
\$100 00	Collection of biological sample (for crimes committed on or after July 1, 2002)	Chapter 289, Laws of 2002
\$660.00	Fees for court appointed attorney	RCW 9.94A 505/760/030
\$500 00	Fine	RCW 9A 20 021

\$ _____	Drug fund contribution to be paid within two (2) years Fund # <input type="checkbox"/> 1015 <input type="checkbox"/> 1017 (TF)	RCW 9 94A 760
\$ _____	Crime lab fee	RCW 43 43.690
\$ _____	Witness costs	RCW 10 01 160 and RCW 2 40 010
Court costs, including		RCW 9 94A 030, 9 94A 505, 9 94A 760, 10.01 160, 10 46 190
\$ _____	Sheriff service fees	RCW 10.01 160 and RCW 36 18 040
\$ _____	Jury demand fee	RCW 10 01 160 and RCW 10 46 190
\$ _____	Court appointed defense expert and other defense costs	RCW 9 94A 505. 760, RCW 9 94A 030
\$ _____	Extradition costs	RCW 9 94A 505
\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) To _____	RCW 38.52 430
(List Law Enforcement Agency)		
\$ _____	Other Costs for _____	RCW 9 94A 760

- ☒ The above financial obligations do not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered
RCW 9 94A 750/753. A restitution hearing
☐ shall be set by the prosecutor
☐ is scheduled for _____
- ☒ The Department of Corrections may immediately issue a Notice of Payroll Deduction
RCW 9.94A 7602
- ☒ All payments shall be made in accordance with the policies of the clerk and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here. Not less than \$ _____ per month commencing _____
RCW 9 94A 760
- ☐ The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9 94A 760(7)(b)
- ☐ In addition to the other costs imposed herein, the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate of \$ _____
RCW 9 94A 760
- ☒ The defendant shall pay the costs of services to collect unpaid legal financial obligations
RCW 36.18 130
- ☒ The financial obligations imposed in this judgment shall bear interest from the date of the Judgment

until payment in full, at the rate applicable to civil judgments RCW 10 82 090 An award of costs on appeal against the defendant may be added to the total legal financial obligations RCW 10 73.160

- 4.2 ☒ **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or Department of Corrections, shall be responsible for obtaining the sample prior to the defendant's release from confinement RCW 43 43 754
- ☒ **HIV TESTING.** The defendant shall be tested and counseled for HIV as soon as possible and the defendant shall fully cooperate in the testing and counseling RCW 70 24 340
- 4.3 The defendant shall not have contact with V K F. (female, DOB 5-18-90) including, but not limited to, personal, verbal, telephonic, electronic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence)
- ☒ Supplemental Domestic Violence Protection Order or Antiharassment Order attached as Form 4.3

4.4 **OTHER** _____

4.5 **CONFINEMENT OVER ONE YEAR** The defendant is sentenced as follows

- (a) **CONFINEMENT** RCW 9 94A 589 Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections:

125 ~~60~~ months on Count 01

Actual number of months of total confinement ordered is _____
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3 Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively _____

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein

Confinement shall commence immediately unless otherwise set forth here _____

- (b) **CONFINEMENT 9.94A 712** The Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections

SENTENCE RANGE

COUNT	Minimum Term	Maximum Term
01	125 months	LIFE

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number RCW 9 94A 505

Credit for 330 days time served prior to this date is given, said confinement being solely related to the crimes for which the defendant is being sentenced

4 6 ☐ **COMMUNITY PLACEMENT** is ordered on Counts _____ for _____ months

☒ **COMMUNITY CUSTODY** for **Count 1**, sentenced under RCW 9 94A 712 is ordered for any period of time the Defendant is released from total confinement before the expiration of the maximum sentence

☐ **COMMUNITY CUSTODY** is ordered on Counts _____ for a range from _____ to _____ months or for the period of earned release awarded pursuant to RCW 9 94A 728(1) and (2), whichever is longer, and standard mandatory conditions are ordered [See RCW 9 94A 700 and 705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and Chapter 69 50 or 69 52 RCW offenses not sentenced under RCW 9 94A 660 committed before July 1, 2000 See RCW 9 94A 715 for community custody range offenses, which include sex offenses not sentenced under RCW 9 94A 712 and violent offenses committed on or after July 1, 2000 Use paragraph 4 7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories, or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply

a) the defendant committed a current or prior

i) Sex offense | ii) Violent offense | iii) Crime against a person (RCW 9 94A 411)

iv) Domestic violence offense (RCW 10 99 020) | v) Residential burglary offense

vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine

vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)

b) the conditions of community placement or community custody include chemical dependency treatment

c) the defendant is subject to supervision under the interstate compact agreement, RCW 9 94A 745

While on community placement or community custody, the defendant shall (1) report to and be available for contact with the assigned community corrections officer as directed, (2) work at Department of Corrections-approved education, employment and/or community service, (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody, (5) pay supervision fees as determined by the Department of Corrections, (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections The residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community placement or community custody Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence Violation of community custody imposed for a sex offense may result in additional confinement The defendant's conditions of Community Placement/Community Custody include the following

☒ The defendant shall not consume any alcohol

☐ Defendant shall have no contact with

☒ Defendant shall remain ☒ within ☒ outside of a specified geographical boundary, to wit **as determined by the Department of Corrections**

☐ For Sentences imposed under RCW 9 94A 712, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by the Department of Corrections Emergency conditions shall not remain in effect longer than seven working days unless approved by the Indeterminate Sentence Review Board pursuant to law RCW 9 94A 713.

- ☐ Other conditions may be imposed by the court or Department during community custody, or are set forth here
- ☐ The conditions of community supervision/community custody shall begin immediately or upon the defendant's release from confinement unless otherwise set forth here
- ☒ Defendant shall not violate any federal, state or local criminal laws, and shall not be in the company of any person known by him/her to be violating such laws
- ☒ Defendant shall not commit any like offenses
- ☒ Defendant shall notify his/her community corrections officer within forty-eight (48) hours of any arrest or citation
- ☒ Defendant shall not initiate or permit communication or contact with persons known to him/her to be convicted felons, or presently on probation, community supervision/community custody or parole for any offense, juvenile or adult, except immediate family. Additionally, the defendant shall not initiate or permit communication or contact with the following persons
- ☐ Defendant shall not have any contact with other participants in the crime, either directly or indirectly
- ☐ Defendant shall not initiate or permit communication or contact with persons known to him/her to be substance abusers
- ☒ Defendant shall not possess, use or deliver drugs prohibited by the Uniform Controlled Substances Act, or any legend drugs, except by lawful prescription. The defendant shall notify his/her community corrections officer on the next working day when a controlled substance or legend drug has been medically prescribed
- ☒ Defendant shall not possess or use any paraphernalia that can be used for the ingestion or processing of controlled substances or that can be used to facilitate the sale or transfer of controlled substances including scales, pagers, cellular phones, police scanners, and hand held electronic scheduling and data storage devices
- ☐ Defendant shall not frequent known drug activity areas or residences
- ☒ Defendant shall not use or possess alcoholic beverages ☒ at all ☐ to excess
- The defendant ☐ will ☐ will not be required to take monitored antabuse per his/her community corrections officer's direction, at his/her own expense, as prescribed by a physician
- ☒ Defendant shall not be in any place where alcoholic beverages are sold by the drink for consumption or are the primary sale item
- ☒ Defendant shall undergo an evaluation for treatment for ☒ substance abuse ☒ mental health ☒ anger management treatment and fully comply with all recommended treatment.
- ☒ Defendant shall enter into, cooperate with, fully attend and successfully complete all in-patient and outpatient phases of a ☒ substance abuse ☒ mental health ☒ anger management treatment program as established by the community corrections officer and/or the treatment facility
- ☐ Based upon the Pre-Sentence Report, the court finds reasonable grounds to exist to believe the defendant is a mentally ill person, and this condition was likely to have influenced the offense. Accordingly, the court orders the defendant to undergo a mental status evaluation and participate

in outpatient mental health treatment. Further, the court may order additional evaluations at a later date, if deemed appropriate.

- ☒ Treatment shall be at the defendant's expense and he/she shall keep his/her account current if it is determined that the defendant is financially able to afford it.
- ☒ Defendant shall submit to urine, breath or other screening whenever requested to do so by the treatment program staff and/or the community corrections officer.
- ☐ Defendant shall not associate with any persons known by him/her to be gang members or associated with gangs.
- ☐ Defendant shall not wear or display any clothing, apparel, insignia or emblems that he/she knows are associated with or represent gang affiliation or membership as determined by the community corrections officer.
- ☐ Defendant shall not possess any gang paraphernalia as determined by the community corrections officer.
- ☐ Defendant shall not use or display any names, nicknames or monikers that are associated with gangs.
- ☐ Defendant shall comply with a curfew, the hours of which are established by the community corrections officer.
- ☐ Defendant shall attend and successfully complete a shoplifting awareness educational program as directed by the community corrections officer.
- ☒ Defendant shall attend and successfully complete the Victim Awareness Educational Program as directed by the community corrections officer.
- ☐ Defendant shall not accept employment in the following field(s)
- ☐ Defendant shall not possess burglary tools.
- ☐ Defendant's privilege to operate a motor vehicle is suspended/revoked for a period of one year, two years if the defendant is being sentenced for a vehicular homicide.
- ☐ Defendant shall not operate a motor vehicle without a valid driver's license and proof of liability insurance in his/her possession.
- ☐ Defendant shall not possess a checkbook or checking account.
- ☐ Defendant shall not possess any type of access device or P I N. used to withdraw funds from an automated teller machine.
- ☒ Defendant shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections.
- ☒ Defendant shall not be eligible for a Certificate of Discharge until all financial obligations are paid in full and all conditions/requirements of sentence have been completed including no contact provisions.
- ☒ Defendant shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.
- ☒ Defendant shall not have any contact with minors. Minors mean persons under the age of 18 years.

- ☒ Defendant shall enter into, cooperate with, fully attend and successfully complete all in-patient and outpatient phases of a sexual deviancy treatment program as established by the community corrections officer and/or the treatment facility 'Cooperate with' means the offender shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity
 - ☒ Defendant shall submit to periodic polygraph examinations at the direction of his/her community corrections officer to ensure compliance with the conditions of community placement/custody
 - ☒ Defendant shall submit to periodic plethysmograph examinations at the direction of his/her community corrections officer to ensure compliance with the conditions of community placement/custody
 - ☒ Defendant shall not possess or use any pornographic material or equipment of any kind and shall not frequent establishments that provide such materials for view or sale
 - ☒ Defendant shall sign necessary release of information documents as required by the Department of Corrections
 - ☒ Defendant shall adhere to the following additional crime-related prohibitions or conditions of community placement/community custody **As listed in the attached Department of Corrections "Appendix F" and the Prosecutor's Pretrial Offer Appendix "A".**
- 4 7 The Bail or release conditions previously imposed are hereby exonerated and the clerk shall disburse it to the appropriate person(s)
- 4 8 This case shall not be placed on inactive or mail-in status until all financial obligations are paid in full
- 4 9 **OFF LIMITS ORDER** (known drug trafficker) RCW 10 66 020 The following areas are off limits to the defendant while under the supervision of the Department of Corrections
- 4 10 Other

V. NOTICES AND SIGNATURES

- 5 1 **COLLATERAL ATTACK ON JUDGMENT** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10 73.100 RCW 10 73 090
- 5 2 **LENGTH OF SUPERVISION** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten (10) years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime RCW 9 94A.760 and RCW 9 94A505(5)
- 5 3 **NOTICE OF INCOME-WITHOLDING ACTION** If the court has not ordered an immediate notice of payroll deduction in Section 4 1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month RCW 9 94A 7602 Other income-withholding action under RCW 9 94A may be taken without further notice RCW 9 94A 7606
- 5 4 **RESTITUTION HEARING**
☐ Defendant waives any right to be present at any restitution hearing (sign initials) _____

- 5 5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation RCW 9 94A 634
- 5 6 **FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record.** (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment) RCW 9 41 040, 9 41 047
- 5 7 ☐ The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, who must revoke the defendant's driver's licenses RCW 46 20 285

Cross off if not applicable:

- 5 8 **SEX AND KIDNAPPING OFFENDER REGISTRATION** RCW 9A 44 130, 10.01 200 Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in Chapter 9A 40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.
- If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.
- If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.
- If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination.
- Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 48 hours excluding weekends and holidays after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list

the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing a residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

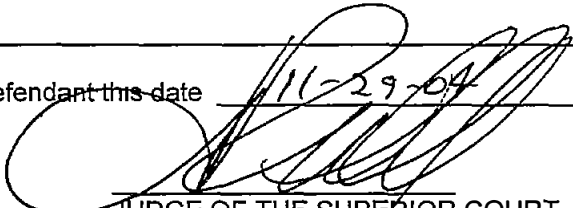
If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within 5 days of the entry of the order. RCW 9A.44.130(7)

5.9 Persistent Offense

- ☒ The crime(s) in **Count 1** is a "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9A.04.030 (28 & 32(a)), 9A.04.505.
- ☒ The crime(s) in **Count 1** is one of the listed offenses in RCW 9A.04.030 (32)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.


5.10 OTHER _____


DONE in Open Court and in the presence of the defendant this date 11-29-04


JUDGE OF THE SUPERIOR COURT

Print Name. John P. Wulle


Wendy Harmon Hanson, WSBA
#29624
Deputy Prosecuting Attorney


George A. Martin, WSBA #0-736
Attorney for Defendant


JOSEPH ALLEN CAMPBELL
Defendant

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

NO 03-1-00985-7

STATE OF WASHINGTON,

Plaintiff

**WARRANT OF COMMITMENT TO STATE
OF WASHINGTON DEPARTMENT OF
CORRECTIONS**

v

JOSEPH ALLEN CAMPBELL,

aka SID CAMPBELL, JOSEPH CAMPBELL

Defendant.

SID:

DOB: 4/6/1985

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington:

GREETING:

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of.

COUNT	CRIME	RCW	DATE OF CRIME
01	RAPE OF A CHILD IN THE SECOND DEGREE	9A 44 076	5/15/2003

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.13, all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections, for a term of confinement of

COUNT	CRIME	SENTENCE RANGE	
		Minimum Term	Maximum Term
01	RAPRE OF A CHILD IN THE SECOND DEGREE	125 months	LIFE

These terms shall be served concurrently to each other unless specified herein:

The defendant has credit for 330 days served

And these presents shall be authority for the same.

HEREIN FAIL NOT.

WITNESS, Honorable

[Signature]

John P. Wells

JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE:

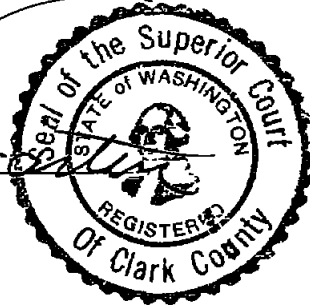
11-29-04

JOANNE McBRIDE, Clerk of the
Clark County Superior Court

By:

[Signature]

Deputy



CAUSE NUMBER of this case: 03-1-00985-7

I, JOANNE McBRIDE, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date:

Clerk of said County and State, by _____, Deputy Clerk

**IDENTIFICATION OF DEFENDANT
JOSEPH ALLEN CAMPBELL**

SID No
(If no SID take fingerprint card for State Patrol)

Date of Birth 4/6/1985

Driver License No

Driver License State:

FBI No

Local ID No. (CFN): 169630

SSN:

Corrections No

PCN No _____

Other _____

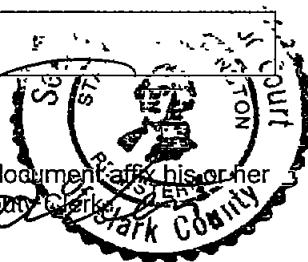
Alias name, SSN, DOB: SID CAMPBELL; JOSEPH CAMPBELL

Race. W

Ethnicity

Sex M

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto. Clerk of the Court
Dated: 11-29-04



DEFENDANT'S SIGNATURE

Joseph Campbell

Left four fingers taken simultaneously

Left
Thumb

Right
Thumb

Right four fingers taken simultaneously



Appendix A

STIPULATED CONDITIONS OF SENTENCE/COMMUNITY CUSTODY

1. You shall commit no law violations.
2. You shall report to and be available for contact with the assigned community corrections officer as directed.
3. You shall work at a Department of Corrections approved education program, employment program, and/or community service program as directed.
4. You shall not possess, consume, or deliver controlled substances, except pursuant to a lawfully issued prescription.
5. You shall pay a community placement/supervision fee as determined by the Department of Corrections.
6. You shall not have any direct or indirect contact with the victims, including but not limited to personal, verbal, telephonic, written, or through a third person without prior written permission from his community corrections officer, his therapist, the prosecuting attorney, and the court only after an appropriate hearing. This condition is for the statutory maximum sentence of LIFE years, and shall also apply during any incarceration.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 10.99 RCW AND WILL SUBJECT THE VIOLATOR TO ARREST; ANY ASSAULT OR RECKLESS ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY.

7. You shall not loiter, enter, or remain in parks, arcades, malls, schools, or any area routinely used by minors or where they are known to congregate.
8. You shall not have any contact with minors. This provision begins at time of sentencing. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.
9. You shall remain within, or outside of, a specified geographical boundary as ordered by your community corrections officer.

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Revised August 27, 2002

10. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
11. Your employment locations and arrangements shall be subject to prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.
12. You shall not possess, use, or own any firearms, ammunition, or deadly weapon. Your community corrections officer shall determine what those deadly weapons are.
13. You shall not possess or consume alcohol.
14. You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your community corrections officer.
15. You shall not possess any paraphernalia for the use of controlled substances.
16. You shall not be in any place where alcoholic beverages are the primary sale item.
17. You shall take antabuse per community corrections officer's direction.
18. You shall attend an evaluation for abuse of drugs, alcohol, mental health, anger management, or parenting and shall attend and successfully complete all phases of any recommended treatment as established by the community corrections officers and/or treatment facility.
19. You shall participate in Sexual Offender Treatment with a state certified sex offender therapist as directed by your community corrections officer and you shall not terminate nor transfer your treatment provider without prior approval of the therapist, your community corrections officer, the Prosecuting Attorney, and the court after an appropriate hearing.
20. During the time you are under order of the court, you shall, at your own expense, submit to polygraph examinations at the request of the Community Corrections Order and/or the Prosecuting Attorney's office (but in no event less than twice yearly). Copies shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of

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Revised August 27, 2002

community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.

21. You shall submit to plethysmography exams, at your own expense, at the direction of the community corrections officer and copies shall be provided to the Prosecutor's Office upon request.
22. You shall register as a sex offender with the County Sheriff's Office in the county of residence as defined by RCW 9.94A.030.
23. You shall not use/possess pornographic material or equipment of any kind.
24. You shall sign necessary release information documents as required by Department of Corrections or the Prosecuting Attorney, to monitor your compliance with any of the conditions of this Judgment and Sentence.
25. You shall have no association with persons known to be on probation, parole or community placement.
26. If you are in the SSOSA program you shall enter into sex offender treatment with a State certified provider within thirty (30) days of sentencing or release from custody, whichever comes first.
27. If you are in the SSOSA program, your treatment plan shall include polygraph exams as set forth in condition number 19. Your treatment provider and/or the defendant will be required to provide quarterly reports on March 1, June 1, September 1, and December 1 (including the polygraph results) of your compliance with the conditions of treatment. These reports shall go to the community corrections officer and the prosecuting attorney's office. Failure to comply with this provision shall be grounds for the court to mandate transfer of the patient to a different treatment provider.

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Revised August 27, 2002

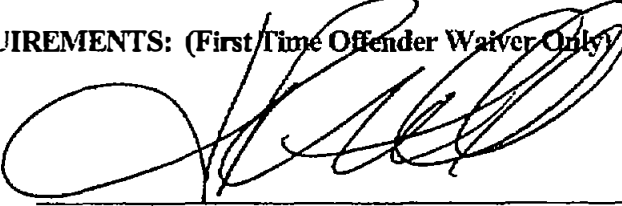
SPECIAL CONDITIONS:

1. You shall not have any direct or indirect contact with the victim(s), including, but not limited to, personal, verbal, telephonic, written or through a third party without prior written permission from your community corrections officer, therapist and the court after an appropriate hearing.
2. You shall not loiter in parks, arcades, malls or any area routinely used by minors as areas of play/recreation.
3. You shall not enter or remain in areas where children are known to congregate.
4. You shall not have any contact with minors. This provision shall not be changed without prior written approval of your community corrections officer, therapist and the court after an appropriate hearing.
5. You shall remain within or outside of a specified geographical boundary as ordered by your community corrections officer.
6. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not change without the knowledge and permission of the officer.
7. Your employment location and arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the knowledge and permission of your officer.
8. You shall not possess, use or own firearms, ammunition of deadly weapons. Your community corrections officer shall determine what those deadly weapons are.
9. You shall not possess or consume alcohol.
10. You shall not possess, use or deliver drugs prohibited by the Uniform Controlled Substance Act, except by lawful prescription.
11. You shall submit to urine, breath or other screening whenever requested to do so by the program staff or your community corrections officer.
12. You shall not possess any paraphernalia for the use or ingestion of controlled substances.
13. You shall not be in any place where alcoholic beverages are the primary sale item.

14. You shall take antabuse per your community corrections officer's direction.
15. You shall attend and successfully complete all in-patient and/or out-patient phases of an alcohol/drug/mental health/anger management treatment program as established by your community corrections officer and/or treatment facility, if available.
16. You shall participate in sexual deviancy treatment as directed by your community corrections officer and you shall not terminate treatment until successfully discharged by the therapist
17. At the request of your community corrections officer, and at your own expense, you shall submit to periodic polygraph examinations. Said examinations will be used to ensure compliance with the conditions of community supervision/placement and the results of the polygraph examination can be used by the state in revocation hearings.
18. You shall submit to plethysmograph examinations, at your own expense, at the direction of your community corrections officer.
19. You shall register as a sex offender with the sheriff's office in the county of residence as defined by RCW 9.94A.030.
20. You shall not possess/use pornographic material or equipment of any kind.
21. You shall sign necessary release of information documents as required by the Department of Corrections.
22. You shall not associate with people known to be on probation, parole or community placement.
23. You shall submit to HIV/DNA testing as required by law.

AFFIRMATIVE CONDUCT REQUIREMENTS: (First/Time Offender Waiver Only)

10-2-03
DATE



JUDGE, CLARK COUNTY SUPERIOR COURT
John P. Wille

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON,
Plaintiff,
v.

No 03-100985-7

Joseph Allen Campbell
Defendant

DECLARATION OF
CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9 94A.100 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	PTS.
Res Burg	<u>Clark, WA</u> <u>12301</u>	<u>10-6-99</u>	<u>10-20-99</u>	<u>1/2</u>
Res Burg	<u>Clark, WA</u> <u>03264</u>	<u>3-11-00</u>	<u>3-20-00</u>	<u>1/2</u>
Burg 2	<u>Clark, WA</u> <u>10210</u>	<u>8-24-00</u>	<u>9-18-00</u>	<u>1/2</u>

☒ The defendant committed a current offense while on community placement (adds one point to score) RCW 9.94A.360.

2.5

DATED this 25th day of September, 20 03

Joseph Campbell
Defendant

SENSEON
Deputy Prosecuting Attorney
WSBA # 27137

Attorney for Defendant
WSBA # _____

DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

APPENDIX B



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

BOARD - NOTICE OF VIOLATION

REPORT TO:	INDETERMINATE SENTENCE REVIEW BOARD	DATE:	2/4/2021
OFFENDER NAME:	CAMPBELL, Joseph A.	DOC NUMBER:	858961
CRIME:	Rape of a Child 2	DOB:	4/6/1985
SENTENCE:	18 months Community Custody Board	Clark COUNTY CAUSE #:	03-1-00985-7(AB)
CHOOSE ONE:	ISRB	DATE OF PAROLE:	11/28/2012
MAILING ADDRESS:	9027 NE 25th Circle Vancouver, WA 98662	TERMINATION DATE:	TBD
		STATUS:	Prison
		CLASSIFICATION:	LOW

PREVIOUS ACTION:

Since Campbell's release from prison on 04/04/17, he has been in violation numerous times for failing to comply with various conditions of his supervision. Campbell signed a stipulated agreement on 05/08/17 to address methamphetamine use on/about 05/06/17. The ISRB approved the stipulated agreement on 05/12/17.

Campbell signed a second stipulated agreement on 05/02/18 to address extensive methamphetamine use between on/about 02/28/18 and on/about 04/29/18. Additionally, Campbell admitted to the violation of leaving the State of Washington without permission on/about 04/10/18. The ISRB approved this stip on 05/04/18.

Campbell signed a third stipulated agreement on 06/06/18 to address methamphetamine and cocaine use on/about 06/01/18. The ISRB approved this stip on 06/07/18.

Campbell signed a fourth stipulated agreement on 08/13/18 to address methamphetamine use between on/about 06/06/18 and 07/13/18. Additionally, Campbell admitted to the violation of failing to report to DOC as directed between on/about 07/09/18 and 08/13/18.

Campbell was arrested on 10/01/18 for methamphetamine use and his community custody was re-instated on 11/20/18 with release conditions of releasing directly to in-patient treatment. Campbell completed this program on/about 12/18/18.

VIOLATION(S) SPECIFIED: The above-named offender has violated conditions of supervision by:

Violation 1:

Consuming Methamphetamine daily between 12/01/2020 and 01/29/2021.

Violation 2:

Failure to notify a Community Corrections Officer within 48 hours of arrest or citation as directed on or before 01/21/2021.

Violation 3:

Failing to be available for contact with a Community Corrections Officer on or before 01/25/2021.

03/09/21. Per conditions set forth in the Judgment and Sentence, Campbell must report to and be available for contact with his assigned CCO and shall notify his CCO within forty-eight (48) hours of any arrest or citation. As of Monday, 01/25/21, Campbell made no attempts to contact me to report his arrest or release from confinement. I tried calling Campbell's phone but it was not accepting calls and a call to his parents had not been returned making him unavailable for supervision. Called Kristi with ISRB to staff this case as well as options upon his arrest. With Kristi's permission, I requested a warrant for Campbell's arrest.

On Friday, 01/29/21, I received Watch Hit information that Campbell had been arrested on his DOC warrant as well as new charges of violating a No Contact Order and booked into the Clark County Jail. The charge of violating a No Contact Order was subsequently dismissed in court the next day.

For the purpose of clarity & brevity the following four violations will be combined into one narrative:

Allegations 4,5,6,&7:

The following narrative was taken from Vancouver Police citation #1A0153116 dated 01/18/21 which led to Campbell's arrest:

On 01/18/21 at approximately 2001 hours, Officers were dispatched to 9027 NE 25th Cir. For a report of a domestic disturbance. The reporting party, Rosson Brooks, advised that his roommates were arguing.

Officers arrived and contacted, Joseph Campbell and Krystal Vian. I walked into the house and noticed a broken cell phone in the living room, the phone was in two pieces. The cell phone was broken in half and a clear case with sparkles was off the phone next to it.

I spoke with Campbell who was short and did not want to talk to me at first. Campbell just kept telling me that they were having an argument and that was it. He told me he was upset because Vian could not come pick him up.

I spoke to Vian who was scared and upset. Vian said that Campbell started to yell at her and was throwing items around the bedroom they share. She said Campbell would not stop so she was trying to call 911. Vian told me that she had the phone in her hand and was dialing 911, when Campbell grabbed her cell phone out of her hand and broke it on the wall. Vian said this is not the first time that Campbell has verbally abused her. Vian said she fears Campbell because this is not the first time he has done something like this.

I talked to the reporting party, roommate Brooks. Brooks told me that Campbell was yelling at Vian and was throwing/breaking items in the house. Brooks told me that Vian was trying to call 911 when Campbell grabbed the phone out of Vian's hand and broke it. Estimated phone cost is \$200.

Campbell was placed under arrest for Interfering with reporting Domestic Violence RCW 9A.36.150 and Malicious Mischief 3rd (DV) RCW 9A.48.090.

As officers were talking to Vian she advised that Campbell has several motorcycles. She told officers that she did not know where they came from and wanted officers to look at them for her. Two motorcycles were located on the property. A Vehicle Identification Number (VIN) was provided to dispatch for both motorcycles. Both motorcycles came back stolen out of Oregon. Both motorcycles were entered by Portland Police Bureau (PPB). Case numbers 20-330795 for the Yamaha and 20-247202 for the Ducati.

Both Vian and Brooks advised us that Campbell was the one that brought the motorcycles home.

Violation 4:

Failure to obey all laws by committing Possession of a Stolen Motor Vehicle (x2) in violation of RCW 9A.56.068 on/about 01/18/2021.

Violation 5:

Failure to obey all laws by committing Malicious Mischief 3rd DV in violation of RCW 9A.48.090 on/about 01/18/2021.

Violation 6:

Failure to obey all laws by committing Interfering with Reporting Domestic Violence in violation of RCW 9A.36.150 on/about 01/18/2021.

Violation 7:

Failure to obey all laws by committing Violation of a No Contact Order in violation of RCW 36.50.110 on/about 01/27/2021.

SUPPORTING EVIDENCE:

The Clark County Superior Court judgment and sentence for cause number 03-1-00985-7, dated 11/29/04, placed Campbell under the jurisdiction of the ISRB for life. As a condition of supervision imposed by the court, Campbell was directed to "Not to consume controlled substances except pursuant to lawfully issued prescriptions; Report to and be available for contact with the assigned Community Corrections Officer (CCO) as directed; Defendant shall notify his/her CCO within forty-eight (48) hours of any arrest or citation." Campbell was granted release to community supervision by the ISRB on 04/04/17. In the Order of Release and Supervision Conditions issued by the ISRB for this case, Campbell was informed that he "Must comply with the court ordered conditions for Clark County, 03-1-00985-7 Judgment and Sentence and that he must also "Obey all laws and court orders." Those conditions are incorporated in this document and are enforceable by the ISRB.

Violation 1:

On Tuesday, 02/02/21, I met with Campbell at the Clark County Jail to discuss his behavior and potential violations. He admitted to several months of daily methamphetamine use between December of 2020 and the date of arrest. I asked Campbell if he would sign a drug use admission form and he said he would. He also wanted me to know that he already has inpatient treatment with Lifeline setup by a police officer and a place to stay when he gets out. I did not believe he already has treatment set up as this is not a police officer's job. It appeared to me that Campbell was trying to say the right things to get out of jail. Campbell signed the drug use admission form and I picked it up at the Clark County Jail on Wednesday, 02/03/21.

For the purpose of clarity & brevity the following two violations will be combined into one narrative:

Allegations 2 & 3:

On Monday, 01/18/21 I received Watch Hit information that Campbell was arrested on 01/18/21 and booked into Clark County Jail for new charges of Malicious Mischief-DV, Interfering w/DV report, and Possession of Stolen Vehicle (2). On Monday, 01/25/21 I received a Release Watch Hit the Campbell released from custody on Tuesday, 01/19/21 Pre-trial Release with future court dates of 02/02/21 and

Campbell was also charged with Possession of a Stolen Motor Vehicle x2 RCW 9A.56.068.

These charges are still being adjudicated at the time of this writing.

ADJUSTMENT:

Campbell is a Level 2 registered sex offender under the jurisdiction of the ISRB for life. Drugs and alcohol were integral to Campbell's instant offense, and were one of the main factors leading to his SSOSA revocation and his last ISRB revocation.

Campbell fell back into meth use within a month of his release from prison on 04/04/17. On 08/02/17, Campbell successfully completed outpatient treatment and remained violation free for almost a year. From 05/04/18 through 11/09/18, Campbell's drug use was out of control with almost monthly violations. An in-patient treatment program and several out-patient programs have proven to be ineffective. Campbell was referred back into SOTP in order to attempt to address some of the underlying issues related to his continued drug use. Campbell successfully completed that program on 07/11/19. Campbell seems to do well with stable housing and employment. With that being said, Campbell has not worked in quite some time, choosing instead, to commit crime and is now homeless due to a No Contact Order being issued with his girlfriend. Campbell was ordered by the court to complete a Mental Health Evaluation, a Domestic Violence Evaluation and successfully participate in Anger Management Treatment. To my knowledge, Campbell has not completed any of these. Campbell has paid nothing towards his Cost of Supervision or Legal Financial Obligations.

Based on Campbell's admission and pending criminal charges, he is spiraling out of control and is an active threat to the community.

RECOMMENDATION:

Release directly into an intensive in-patient treatment facility and successfully complete this program.

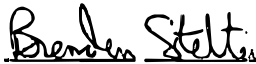
Minimum 90 day GPS monitoring following release from treatment with CCO set curfew.

Maintain stable housing and employment.

I certify or declare under penalty of perjury of the laws of the state of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted By:

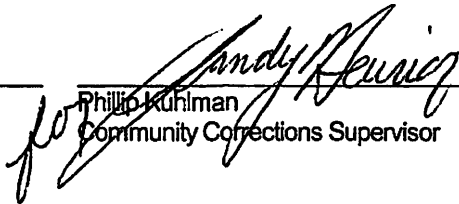
Approved By



Brenden Stelter
COMMUNITY CORRECTIONS OFFICER
W Vancouver Special Needs Unit
9105B Hwy 99
Vancouver WA 98665
Telephone (360) 571-4318

BES / BES / 2/4/2021

2-10-2021
DATE

 2/10/2021
DATE

Phillip Kuhlman
Community Corrections Supervisor

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: ORIGINAL - Board COPY - Attorney General, Defense Attorney, File

APPENDIX C



STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD

COURT REPORTING

LEGAL VIDEOGRAPHY

VIDEOCONFERENCING

TRIAL PRESENTATION

MOCK JURY SERVICES

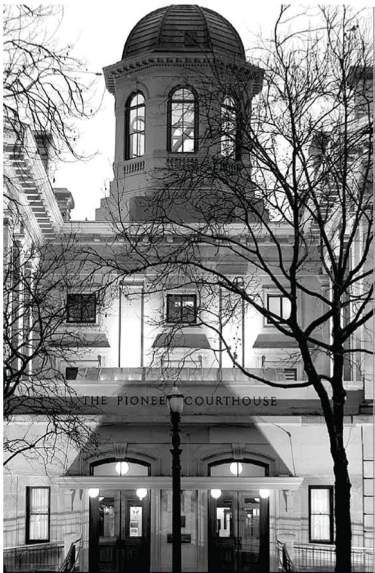
LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS

IN RE:
JOSEPH CAMPBELL

DOC NO. 858961



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DEPOSITION & TRIAL



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VERBATIM REPORT OF PROCEEDINGS

VIOLATION HEARING

HELD ON
THURSDAY, MARCH 11, 2021

BEFORE
TATEASHA DAVIS
PRESIDING BOARD MEMBER

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APPEARANCES

Appearing on behalf of Defendant:

GEORGE MARLTON, ESQUIRE
P.O. BOX 513
WALLA WALLA, WASHINGTON 99362-0218
(360) 903-5142

Also Present (by teleconference):

Brenden Stelter, Community Custody Officer
Joseph Campbell, Defendant

1 **VERBATIM REPORT OF PROCEEDINGS**

2 **VIOLATION HEARING**

3 **HELD ON**

4 **THURSDAY, MARCH 11, 2021**

5
6 **MS. DAVIS:** Okay, everyone. We are on the record.

7 Good afternoon. My name is Tateasha Davis, and I'm a member
8 of the ISRB. And this is a community supervision violation
9 hearing in the matter of Joseph Campbell, DOC Number 858961.

10 Mr. Campbell is present on the line with his
11 attorney, George Marlton. And also present on the line --
12 excuse me -- is CCO Brenden Stelter. This hearing is being
13 recorded, and you may request a copy of the hearing in
14 writing to the ISRB within two years of today's date.

15 The purpose of this hearing is to consider
16 testimony and evidence regarding alleged violations of your
17 conditions of community supervision. Based on all available
18 information, I will determine if you will be permitted to
19 remain on active supervision or that your community
20 supervision be revoked and you return to state custody.

21 Mr. Campbell, you have a right to appeal my
22 decision by filing a PRP after you receive it. Have you
23 received a copy of the violations specified in other
24 documents related to your alleged violations, Mr. Campbell?

25 **MR. CAMPBELL:** I believe I have, yes.

1 **MS. DAVIS:** And have you had an opportunity to
2 consult with your attorney?

3 **MR. CAMPBELL:** Yes, I have.

4 **MS. DAVIS:** Okay. Great. So the hearing is going
5 to proceed as follows. There's going to be two phases. The
6 fact-finding phase is first. I'm going to ask the CCO to
7 read the alleged violations. And after each violation, I
8 need you to enter either a plea of guilty, not guilty, or
9 guilty with explanation.

10 You have a right to plead not guilty to any
11 violation. To any violation that you plead not guilty to,
12 the state must prove its case through a preponderance of the
13 evidence. This is a lesser standard than beyond a
14 reasonable doubt, as required in criminal court, and the
15 state may attempt to prove the violations through witnesses,
16 court convictions, or other evidence.

17 You and your attorney may cross-examine their
18 witnesses and/or inspect and object to any written evidence
19 before it's presented to me. Hearsay evidence is permitted
20 in these types of hearings; however, I will not make a
21 finding of guilty based on uncorroborated hearsay evidence
22 alone. You have the right to testify, or you can remain
23 silent, Mr. Campbell.

24 Once the fact-finding phase is completed, I'm
25 going to make a finding of guilty or not guilty for each

1 alleged violations, and then we move on to the second phase,
2 which is the dispositional phase.

3 During that phase, I'm going to ask you and your
4 attorney and the CCO for your disposition recommendations,
5 and they could either be reinstatement, imposing additional
6 sanctions, or revocation. I'll consider all of the
7 recommendations, and it's going to be a deferred decision
8 today to allow time for me to resolve any issues and allow
9 time for the other board members to provide their input.

10 So you're not going to get a decision from me
11 today, but I will do my best to get my decision to you
12 within the next ten days, Mr. Campbell.

13 Mr. Marlton, are there any preliminary issues?

14 **MR. MARLTON:** Yes, a couple. Where's everybody
15 at? I'm in Vancouver, Washington. Where's Mr. Campbell?

16 **MR. CAMPBELL:** I'm in Monroe, Washington.

17 **MR. MARLTON:** Okay. And -- okay. You're in
18 Monroe. And the CCO, Brenden --

19 **MR. STELTER:** I'm in Vancouver.

20 **MR. MARLTON:** Hello?

21 **MR. STELTER:** Yes, Vancouver.

22 **MR. MARLTON:** And --

23 **MR. STELTER:** And there's nobody else on.

24 **MR. MARLTON:** Yeah, I heard you. Yeah. Okay.

25 That's perfect.

1 And then the other question, I wanted to know,
2 does Mr. Campbell have any pending criminal charges from
3 Clark County?

4 **MS. DAVIS:** Mr. Marlton, why don't you let me
5 swear everyone in before we answer those types of questions.

6 **MR. MARLTON:** Oh, okay. All right. Yeah.
7 Because whether he -- you know --

8 **MS. DAVIS:** Right. And then we can proceed.

9 **MR. MARLTON:** -- might make a big difference, so -
10 -

11 **MS. DAVIS:** Yes, exactly.

12 **MR. MARLTON:** -- okay. I'm sorry, Your Honor.
13 Okay. I just want to make sure I didn't forget that.

14 **MS. DAVIS:** That's all right. Okay. So I'll have
15 everyone that's going to testify raise their right hand to
16 be sworn in. Do you swear or affirm to tell the truth in
17 this matter?

18 **MR. STELTER:** Yes.

19 **MR. CAMPBELL:** Yes, I do.

20 **MS. DAVIS:** Okay. Great.

21 Well, I do think that that's an important
22 question, Mr. Marlton. Why don't you ask your question
23 again on the record, and then, Mr. Stelter, you can answer.

24 **MR. MARLTON:** All right. Well, I -- Mr. Campbell
25 is up at Monroe at WCC, I think, right now. And my

1 understanding is he had been arrested in Vancouver. The
2 question is, does he have any pending criminal charges right
3 now that relate to the violations?

4 **MR. STELTER:** Yes, he does. Violations four --
5 four through seven, I believe, are still unadjudicated.

6 **MR. MARLTON:** Committing possession of stolen
7 motor vehicle, malicious mischief, interfering with
8 reporting DV, and failure to obey all laws, no-contact
9 order, is that right?

10 **MR. STELTER:** To my knowledge, those are still
11 accurate, yes.

12 **MR. MARLTON:** Okay.

13 **MS. DAVIS:** But he has been charged?

14 **MR. MARLTON:** And do we know the status of those
15 at all, those charges?

16 **MR. STELTER:** He's still pending hearing. He was
17 supposed to have a hearing that was going to be, I believe,
18 March 3rd, but obviously he's incarcerated, so he missed his
19 hearing.

20 **MR. MARLTON:** Okay. And are there any warrants
21 out for him, do you know?

22 **MR. STELTER:** I haven't checked. I'm unaware
23 right now.

24 **MR. MARLTON:** Okay. All right. Thank you.

25 **MS. DAVIS:** So just for my understanding, CCO, he

1 has been charged, but there's no conviction because no
2 hearing yet, right?

3 **MR. STELTER:** Correct.

4 **MS. DAVIS:** Okay. All right. Let me just make
5 note of that.

6 Okay. So CCO, why don't you read the violations.

7 And after each violation, Mr. Campbell, please
8 enter your plea.

9 **MR. STELTER:** Okay. Violation number one,
10 consuming methamphetamine daily between 12/1/2020 and
11 1/29/2021.

12 **MR. CAMPBELL:** Guilty.

13 **MS. DAVIS:** Okay.

14 **MR. STELTER:** Violation number two, failure to
15 notify community corrections officer within 48 hours of
16 arrest for citation as directed on or before 1/21/2021.

17 **MR. CAMPBELL:** Guilty to that.

18 **MR. STELTER:** Violation number three, failure to
19 be available for contact with the community corrections
20 officer on or before 1/25/2021.

21 **MR. CAMPBELL:** Your Honor, can I put a guilty with
22 an explanation or --

23 **MS. DAVIS:** Sure. Sure, you can. For number
24 three, you're saying guilty with explanation?

25 **MR. CAMPBELL:** Yes. I'm thinking I want to argue

1 that one -- two and three there were the same kind of deal,
2 but --

3 **MS. DAVIS:** Okay. Let's move on to number four.

4 **MR. MARLTON:** On those if he -- I'd like to -- if
5 he's been, you know, charged with things and since there's a
6 record of this, the state possibly can use this as, you
7 know, (indiscernible), and not knowing -- knowing that
8 they're not disposed of, it could cause him some serious
9 jeopardy. So I'd have to advise him not to respond to those
10 questions because he does have Fifth Amendment rights.

11 **MS. DAVIS:** Okay. So you're advising your client
12 not to enter a plea for alleged violations four through
13 seven?

14 **MR. MARLTON:** Yes, the criminal charges, yeah,
15 pending criminal charges. If they're adjudicated, it would
16 be different.

17 **MS. DAVIS:** Okay. So how about this, just to make
18 the record. I'll -- I want CCO to read each violation, but
19 Mr. Campbell, if you're taking your attorney's advice, just
20 respond with no plea or Fifth Amendment, you plead the
21 Fifth, okay?

22 **MR. CAMPBELL:** Okay.

23 **MS. DAVIS:** All right.

24 Go on, Mr. Stelter.

25 **MR. STELTER:** Excuse me. Violation number four,

1 failure to obey all laws by committing possession of a
2 stolen motor vehicle times two in violation of RCW
3 9A.56.068, on or about 1/18 of 2021.

4 **MS. DAVIS:** Okay.

5 Your plea?

6 **MR. CAMPBELL:** I plead the Fifth.

7 **MS. DAVIS:** Okay.

8 **MR. STELTER:** Violation number five, failure to
9 obey all laws by committing malicious mischief in the third,
10 domestic violence, in violation of RCW 9A.48.090, or or
11 about 1/18/2021.

12 **MR. CAMPBELL:** I plead the Fifth.

13 **MS. DAVIS:** Okay.

14 **MR. STELTER:** Violation number six, failure to
15 obey all laws by committing interfering with reporting
16 domestic violence, in violation of RCW 9A.36.150, on or
17 about 1/18/2021.

18 **MR. CAMPBELL:** I plead the Fifth on that.

19 **MS. DAVIS:** Okay.

20 **MR. STELTER:** Violation number seven, failure to
21 obey all laws, violation of a no-contact order, in violation
22 of RCW 36.50.110, on or about 1/27/2021.

23 **MR. CAMPBELL:** I plead the Fifth.

24 **MS. DAVIS:** Okay. So I have guilty plea for
25 alleged violation one and two. I have guilty with

1 explanation for number three. And for alleged violations
2 four through seven, you are pleading the Fifth. Is that
3 accurate, Mr. Campbell?

4 **MR. CAMPBELL:** It is.

5 **MS. DAVIS:** Okay. One note. CCO, I have a note
6 that says that violation number seven, the charge was later
7 dropped, this violation of a no-contact order that refers to
8 Facebook message. Do you have any more information about
9 that? I don't think I received any kind of Facebook
10 messages in the discovery.

11 **MR. STELTER:** Yeah. I don't have any further
12 explanation on that.

13 **MS. DAVIS:** Okay.

14 **MR. MARLTON:** I don't do Facebook, so --

15 **MS. DAVIS:** Well, if the charge was -- if the
16 charge was dropped, then I don't see any reason why I
17 shouldn't just dismiss it without prejudice at this point.
18 So I think I'm going to --

19 **MR. STELTER:** Yeah. I don't know.

20 **MS. DAVIS:** Go ahead.

21 **MR. MARLTON:** No objection here, Your Honor.

22 **MS. DAVIS:** CCO, were you going to say something?

23 **MR. STELTER:** Oh, I was just saying I didn't
24 receive -- I haven't received anything, any reports or
25 emails that that was dropped, so I can't -- I can't respond

1 on that.

2 **MS. DAVIS:** Okay. Well, I'm going to dismiss
3 violation number seven without prejudice, so that if you
4 find any other information, CCO, of course you can bring
5 that back before me. But I don't see a point in even
6 dealing with it if the charge was dropped since the
7 violation is about failure to obey all laws.

8 **MR. STELTER:** Okay.

9 **MS. DAVIS:** Okay. So that's for number seven. So
10 for one and two, I have guilty, so I don't need any
11 explanation on that really, and I'm going to go ahead and
12 accept your guilty plea, Mr. Campbell.

13 And then for violation three, you had an -- you
14 said guilty with explanation. So what is your explanation
15 for what is violation three, failure to be available for
16 contact with the community corrections officer on or before
17 1/25/2021?

18 **MR. CAMPBELL:** My explanation was I didn't have a
19 phone present with me. I had no way of contacting him. But
20 I was thinking that not having a phone and also not being
21 present was the same -- they're the same two. Like, I was
22 thinking that one and two actually can be rolled into one
23 plea, actually. Two and three. Sorry.

24 **MS. DAVIS:** Well, one is saying that you didn't --
25 I mean, not one. One violation, I mean. Violation number

1 two is saying that you were not -- you did not notify him
2 within 48 hours of being arrested. And I'm assuming that
3 the arrest was because of the DV, the 911 phone call for DV.
4 So you didn't notify him within 48 hours of that.

5 And I believe I saw in the record that you were
6 released the following day, so you would have had
7 opportunity to figure out a way to notify him, essentially.

8 And then three is the failing to be available for
9 contact. So I'm assuming -- and CCO, you can correct me if
10 I'm wrong -- that you attempted to contact Mr. Campbell.
11 This is, what, four days after his arrest and three days
12 after he was released, and he was not available?

13 **MR. STELTER:** Yes, correct. So the violation
14 number two is actually after his first -- he was arrested
15 twice within a week. Violation number two is actually him
16 not notifying me after his first arrest.

17 **MS. DAVIS:** Okay.

18 **MR. STELTER:** Yeah. So basically, two and three
19 are basically after that first arrest because I believe his
20 second arrest was on the 29th. So it was two and one for
21 failing to notify me that he was arrested and cited. And
22 after that, for failing to show up, call me, notify me
23 somehow, and be available for contact.

24 Since I did try to call him. I tried calling him.
25 I tried calling -- I think I tried calling his parents to

1 see if they had heard from him. And I left a phone message
2 for him, which he did not return to me.

3 **MS. DAVIS:** Okay.

4 **MR. CAMPBELL:** I did not know there was a phone
5 message there. I wasn't made aware of it. But in all
6 reality, to clear things up, I had every ample opportunity
7 to get to DOC, and I did not do it. So not to stick a knife
8 in this situation at me, but yeah, I just want to clear it
9 up and take responsibility for this before the board. I'm
10 not trying to dodge the responsibility for it. I just want
11 to see if we can lump two and three together. That's it.

12 **MS. DAVIS:** I see. Okay. Well, I'll accept your
13 guilty plea for violation number three.

14 With regard to four, five, and six, CCO, why don't
15 you present the evidence. I understand, Mr. Marlton, that
16 your client does not want to testify about these on the
17 record because it may be used against him. But I do still
18 want the evidence presented.

19 **MR. MARLTON:** Okay. Thank you, Your Honor.

20 Is that okay, Mr. Campbell?

21 **MR. CAMPBELL:** Yeah, it's fine.

22 **MR. MARLTON:** Okay. All right. Just don't
23 comment, all right?

24 **MR. CAMPBELL:** Okay. Thank you.

25 **MR. STELTER:** All right. Well, I'll go ahead and

1 present my evidence for allegations four, five, six, and
2 seven.

3 The following narrative was taken from Vancouver
4 Police citation 1A015 through 116, dated 1/18/21, which led
5 to Mr. Campbell's arrest. On 1/18/2021, at approximately
6 20:00, officers were dispatched to 9027 Northeast 25th
7 Circle for report of a domestic disturbance. The reporting
8 party, roommate Brooks, advised that his roommates were
9 arguing. Officers arrived and contacted Joseph Campbell,
10 and Krystle Vian walked into the house. This is coming from
11 the report, according from the report.

12 **MS. DAVIS:** Uh-huh.

13 **MR. STELTER:** This is the officer's testimony in
14 the report: I walked into the house and noticed a broken
15 cell phone in the living room. The phone was in two pieces.
16 The cell phone was broken in half and a clear case with
17 sparkles was off the phone next to it.

18 I spoke with Campbell, who was short and did not
19 want to talk to me at first. Campbell just kept telling me
20 that they were having an argument, and that was it. He told
21 me he was upset because Vian could not come pick him up.

22 I spoke to Vian, who was scared and upset. Vian
23 said that Campbell started to yell at her and was throwing
24 items around the bedroom they shared. She said Campbell
25 would not stop, so she was trying to call 911. Vian told me

1 that she had the phone in her hand and was dialing 911 when
2 Campbell grabbed her cell phone out of her hand and broke it
3 on the wall.

4 Vian said this is not the first time that Campbell
5 has verbally abused her. Vian said she fears Campbell
6 because this is not the first time he's done something
7 (audio disruption).

8 I talked to the reporting party, roommate Brooks.
9 Brooks told me that Campbell was yelling at Vian and was
10 throwing and breaking items in the house. Brooks told me
11 that Vian was trying to call 911 when Campbell grabbed the
12 phone out of Vian's hand and broke it.

13 The estimated phone cost is around \$200. Campbell
14 was placed under arrest for interfering with reporting
15 domestic violence, RCW 9A.36.150, and malicious mischief,
16 DV, RCW 9A.48.090.

17 As officers were talking to Vian, she advised that
18 Campbell has several motorcycles. She told officers that
19 she did not know where they came from and wanted the
20 officers to look at them for her. (Indiscernible)
21 motorcycles were located on the property.

22 Then a vehicle identification number was provided
23 to dispatch from those motorcycles. Those motorcycles came
24 back stolen out of Oregon. Both motorcycles were entered by
25 Portland Police Bureau December 20-330795 for the Yamaha and

1 20-247202 for the Ducati. Both Vian and Brooks advised us
2 that Campbell was the one that brought the motorcycles home.

3 Campbell is also charged with possession of stolen
4 motor vehicles times two, RCW 9A.56.068. These charges are
5 still being adjudicated at this writing.

6 **MS. DAVIS:** Okay. Mr. Stelter, do you know if
7 Vian or Ms. Vian or -- I'm assuming Ross Brooks is a man.
8 If they are --

9 **MR. STELTER:** Yes.

10 **MS. DAVIS:** He's a man, okay.

11 **MR. STELTER:** Oh, I'm sorry. Go ahead.

12 **MS. DAVIS:** Do you know if either one of them are
13 willing to testify or provide testimony today?

14 **MR. STELTER:** I believe Krystle is available. I
15 don't know. I haven't talked to Mr. Brooks, or Ross.

16 **MS. DAVIS:** And Krystle is Ms. Vian. That's her
17 first name, right?

18 **MR. STELTER:** Krystle is her first name, yes.

19 **MS. DAVIS:** Okay. Got it.

20 Would you -- I'd like to hear from her. I mean,
21 obviously, I just have the police report and the
22 representation from you that there are charges. So I would
23 like to hear from her to get some kind of corroborating
24 information.

25 Mr. Marlton, would you be wanting to ask Krystle

1 Vian some questions if we can get her on the line?

2 **MR. MARLTON:** Yeah, I do believe I have some for
3 her.

4 **MS. DAVIS:** Okay.

5 Mr. Stelter, do you want to see if you can get her
6 on the line?

7 **MR. MARLTON:** I've got a question for the -- his
8 CCO.

9 **MS. DAVIS:** Okay.

10 **MR. MARLTON:** It is -- do you have any record of
11 any previous DV and charges with Mr. -- involving Mr.
12 Campbell?

13 **MR. STELTER:** I haven't looked that information
14 up, no.

15 **MR. MARLTON:** All right. Okay. That's all --
16 that's all I -- that's all my questions.

17 **MR. STELTER:** All I basically have were excerpts
18 through the -- there were two big, huge police reports that
19 (audio disruption) and basically we can get information from
20 Krystle, but she -- excerpts that I took from the police
21 reports was the abuse, verbal and some physical altercations
22 have occurred in the household.

23 She states in the police report that she fears
24 Campbell because this abuse has happened about three times.
25 Krystle reports Campbell grabbing a knife and gesturing to

1 Krystle that he was going to jab the knife in her ribs.

2 He's placed his hands around Krystle's throat, telling her,
3 bitch, I will kill you.

4 Krystle fears retaliation from Campbell's friends
5 when he told her, I'll burn your fucking house down if you
6 call the cops on me.

7 **MR. MARLTON:** Uh-huh. And you got this off the
8 police report.

9 **MR. STELTER:** This is testimony of hers in the
10 police report.

11 **MS. DAVIS:** So I think it would be a good idea to
12 see if we can get her on the line. Why don't you try to get
13 her on the line.

14 **MR. STELTER:** Okay. Hold on. I got to get her
15 number.

16 Joseph, you don't remember right off the top of
17 your head?

18 **MR. CAMPBELL:** Yeah. It's 360 --

19 **MR. STELTER:** Yes.

20 **MR. CAMPBELL:** Hold on. I'm dialing it with my
21 fingers. 907-2082.

22 And for the record, Your Honor, the no-contact
23 order --

24 **MR. MARLTON:** Don't say anything about it, please.

25 **MR. CAMPBELL:** All right.

1 **MR. MARLTON:** (Indiscernible.) Anyway --

2 **MR. CAMPBELL:** No problem.

3 **MR. MARLTON:** You've got a record here. When she
4 testifies, you have a record, Mr. Campbell, in case she
5 misstates the truth, okay?

6 **MR. CAMPBELL:** I'll --

7 **MR. STELTER:** Bear with me now. I've got to put
8 some equipment --

9 **MR. MARLTON:** Okay.

10 **MS. DAVIS:** Okay.

11 **MR. MARLTON:** Mr. Campbell, this is for the
12 benefit of your criminal defense attorney.

13 **MR. CAMPBELL:** I -- I get that, but is there any
14 way that you can talk privately on the case real quick so I
15 can give you some information?

16 **MR. MARLTON:** I don't think so at this point.

17 **MR. CAMPBELL:** That's fine, then.

18 **MR. MARLTON:** As long as you don't say anything --

19 **MR. CAMPBELL:** All right.

20 **MR. MARLTON:** We're like the middle of the
21 hearing, so --

22 **MR. CAMPBELL:** Yeah, I get that. I get that.
23 There's the updates with that case, though.

24 **MR. MARLTON:** I think we talked about that or some
25 of those issues.

1 **MR. CAMPBELL:** Yeah.

2 **MR. MARLTON:** And I represented you years ago,
3 didn't I?

4 **MR. CAMPBELL:** Yes, you did. Years ago.

5 **MR. MARLTON:** Originally. On the original case.

6 **MR. CAMPBELL:** Oh, yeah? Funny.

7 **MR. MARLTON:** Either I'm getting older or you're
8 getting older, one of the two. Maybe both.

9 **MR. CAMPBELL:** I think -- I think so.

10 **MS. DAVIS:** Mr. Campbell, how old are you?

11 **MR. CAMPBELL:** I am the ripe young age of --

12 **MS. VIAN:** Hello?

13 **MR. STELTER:** This is Officer Stelter. I have
14 Krystle on the line.

15 **MS. DAVIS:** Hi. Ms. Vian?

16 **MS. VIAN:** Yeah.

17 **MS. DAVIS:** Am I pronouncing your last name
18 correctly?

19 **MS. VIAN:** Yes, you are.

20 **MS. DAVIS:** Okay. Great. So Ms. Vian, the
21 purpose of the call is we have Mr. Campbell on the line as
22 well as his attorney, Mr. Marlton. And we were talking
23 about the domestic violence incident that occurred at your
24 house wherein the police were called, et cetera.

25 And I wanted to hear your testimony about that

1 incident. So if Mr. Stelter would like to ask you questions
2 to get your testimony or if you just want to tell us what
3 happened.

4 Mr. Stelter, I'll leave it to you.

5 **MR. STELTER:** Okay.

6 **MS. VIAN:** Okay.

7 **MR. MARLTON:** I think we've got to put her under
8 oath first.

9 **MS. DAVIS:** Oh, I'm sorry. Yes, of course. Oh,
10 my goodness.

11 Ms. Vian, would you please raise your right hand
12 so I can swear you in. Do you swear or affirm to tell the
13 truth in this matter?

14 **MS. VIAN:** Yes, I do.

15 **MS. DAVIS:** Okay. Thank you. Sorry about that.

16 Mr. Stelter.

17 **KRYSTLE VIAN**, having been first duly sworn, was examined,
18 and testified as follows:

19 **MR. STELTER:** Hi Krystle. So -- this is Officer
20 Stelter. I was just trying to provide -- I think everybody
21 wanted kind of a background of how the incident happened at
22 the house that resulted in the police getting called and
23 Joseph arrested.

24 I was reading some excerpts from the police report
25 regarding some statements that you made. I guess we'll

1 first start off with, if you could just tell us kind of what
2 happened at the house that night.

3 **MS. VIAN:** Kind of a (indiscernible). Police were
4 called, and he was arrested.

5 **MS. DAVIS:** Why were the police called?

6 **MS. VIAN:** My phone was smashed.

7 **MS. DAVIS:** Who smashed it?

8 **MS. VIAN:** It was an accident.

9 **MS. DAVIS:** Who smashed it?

10 **MS. VIAN:** Huh?

11 **MS. DAVIS:** I'm sorry?

12 **MS. VIAN:** It was an accident.

13 **MS. DAVIS:** Yes. I didn't ask that. I said who
14 smashed it.

15 **MS. VIAN:** I don't want to answer that.

16 **MS. DAVIS:** Okay. How about did you tell the
17 police that Mr. Campbell pointed a knife at you at one time?

18 **MS. VIAN:** I don't want to answer that.

19 **MS. DAVIS:** Did you --

20 **MR. STELTER:** Has Joseph been physical with you in
21 the past?

22 **MS. VIAN:** No.

23 **MS. DAVIS:** So then you were -- I'm sorry. Mr.
24 Stelter, go ahead.

25 **MR. STELTER:** There were three incidences you

1 reported in the police report to the police officers where
2 Joseph had been physical with you?

3 **MS. VIAN:** There are incidences I reported, but he
4 -- there was no actual hands-on domestic violence, no.

5 **MR. STELTER:** He never -- he never grabbed you by
6 the -- put his hands around your throat and telling --
7 threatened you that, bitch, I'm going to kill you?

8 **MS. VIAN:** I don't want to answer that.

9 **MS. DAVIS:** Are you not wanting to answer because
10 you're fearful, Ms. Vian?

11 **MS. VIAN:** No, that's not the reason.

12 **MS. DAVIS:** What is the reason?

13 **MR. MARLTON:** I could sort of tell you on one of
14 the affairs, she might have -- if -- when she says --

15 **MS. DAVIS:** Well -- well, Mr. --

16 **MR. MARLTON:** -- it isn't true, then there would
17 be false reporting, and, you know, that would put her in
18 jeopardy.

19 **MS. DAVIS:** Mr. Marlton, I want to let her answer
20 the questions uninterrupted.

21 Will you tell me why you don't want to answer the
22 questions today, Ms. Vian?

23 **MS. VIAN:** I don't have an answer for that.

24 **MR. STELTER:** Was there -- did you feel -- were
25 you fearful that evening of Joseph?

1 **MS. VIAN:** I don't want to answer that.

2 **MR. STELTER:** I could read a little section from
3 the police report here if you want, Your Honor.

4 **MS. DAVIS:** Yeah. We'll do that.

5 I just want to say for the record, Ms. Vian, just
6 because you are not answering the question does not point in
7 any way to Mr. Campbell's guilt, not guilt, et cetera. It's
8 my job to assess the credibility of the people that are
9 testifying, and I am doing that at this time. So I don't
10 want you to think that you are, for lack of a better term,
11 doing him any favors.

12 Did you -- at any point after Mr. Campbell was
13 arrested, did you speak to him?

14 **MS. VIAN:** Briefly.

15 **MS. DAVIS:** Okay. And do you recall the day that
16 you spoke to him? Was it within the last two weeks? Was it
17 within the last month?

18 **MS. VIAN:** I have spoken to him in the last two
19 weeks, yes.

20 **MS. DAVIS:** Okay. And so when you tell us that he
21 was never physical with you, are you saying that you were
22 untruthful when you reported to the police?

23 **MS. VIAN:** No.

24 **MS. DAVIS:** So you weren't untruthful. So I'm
25 confused. Why don't you explain this to me. If you were

1 not untruthful when you reported specific incidents to the
2 police, why are you telling me now -- tell us -- that he was
3 never physical with you in the past?

4 **MS. VIAN:** Because it didn't actually get
5 physical. It just -- there was just a couple of incidences,
6 but he --

7 **MS. DAVIS:** Mr. Stelter, would you read the
8 specific physical incidents to Ms. Vian.

9 And then Ms. Vian, you can respond whether you
10 think each incident is physical or not.

11 **MR. STELTER:** Yeah. Let me -- I'm going to go
12 back here.

13 So when the arresting officer arrived on scene,
14 they were talking to Krystle. Vian said this is not the
15 first time that Campbell had verbally abused her. Vian told
16 Officer Miller that Campbell had assaulted her in the past
17 and has gradually gotten more violent.

18 **MS. DAVIS:** Okay. Stop there.

19 Ms. Vian, were you telling the truth when you made
20 that statement to the police?

21 **MS. VIAN:** There was verbal altercations. We
22 fought.

23 **MS. DAVIS:** I believe he said physical, something
24 physical in that statement.

25 **MS. VIAN:** I do not recall saying physical to the

1 police officer.

2 **MS. DAVIS:** Okay. Mr. Stelter, keep going.

3 **MR. STELTER:** (Indiscernible) because it was not
4 the first time he had done something like this, Officer
5 Miller got a more detailed statement. Going on there.

6 My first impression of Krystle is that she was
7 scared. Krystle's eyes were big and they were darting
8 between me and Joseph. Due to Krystle's body language, I
9 knew this incident was beyond a verbal conflict.

10 I asked Krystle what happened. She told me
11 nothing happened. I then informed Krystle that, based on
12 what I just witnessed, I believe something did happen and
13 would like to happen. At this point, Krystle looked up at
14 me with tears in her eyes and said, you can't help me.

15 **MR. MARLTON:** This is the weirdest examination,
16 Your Honor, I've ever heard in my life. (Indiscernible.)
17 I'm sorry.

18 **MS. DAVIS:** Mr. Stelter, what I'm interested in is
19 the specific incidents of domestic violence that you wrote
20 in your -- what am I trying to say -- notice of violation
21 statement that you got from the police report, not the
22 ancillary stuff. Just the specific incidence of domestic
23 violence that she reported to the officer.

24 **MR. STELTER:** Okay.

25 Krystle informed me that she and Joseph -- so this

1 is establishing their relationship. Krystle informed me she
2 and Joseph have been dating since July 2020 and have been
3 living together for five months.

4 Krystle began by telling me the first time Joseph
5 put his hands on her, which she estimated to be
6 approximately a month ago, Krystle stated she looked at
7 Joseph's phone and saw that he was texting other women.
8 Krystle said Joseph caught her looking at his phone and
9 again yelling at her.

10 Krystle stated that Joseph was yelling at her. He
11 charged at her, which she described as walking towards her
12 in an aggressive manner --

13 **MS. DAVIS:** Okay. Stop there.

14 Ms. Vian, was that true or not?

15 **MS. VIAN:** (Audio disruption) verbal altercation,
16 but he did not charge at me, and I did fall. I fell on my -
17 -

18 **MS. DAVIS:** So you're saying that you were lying
19 to the police officer at that time?

20 **MS. VIAN:** I wouldn't say that I was lying, but --

21 **MS. DAVIS:** Okay. Yes or no?

22 **MS. VIAN:** -- I don't recall saying he charged at
23 me because he did not charge at me.

24 **MS. DAVIS:** So you're saying that the police
25 officer misrepresented what you said, then?

1 **MS. VIAN:** I don't know what the impression the
2 police officer had, but I do not recall saying that he
3 charged at me.

4 **MS. DAVIS:** Okay. Anything else, Mr. Stelter?

5 **MR. STELTER:** Yes. I've got several other
6 instances here if you want me to read them.

7 **MS. DAVIS:** Yes.

8 **MR. STELTER:** So going on with this incident, this
9 provides basis for what happened to her phone.

10 Krystle stated that in the attempt to gain
11 distance between her and Joseph, who was still walking
12 towards her, she tripped. Krystle does not know if Joseph
13 tripped her or if she tripped herself. Krystle stated
14 Joseph then screamed in her face, so she began to call 911.
15 Krystle said Joseph then took her phone and threw it across
16 the room.

17 **MS. DAVIS:** Okay. Did that happened, Ms. Vian?

18 **MS. VIAN:** Yes.

19 **MS. DAVIS:** Okay. Keep going, Mr. Stelter.

20 **MR. STELTER:** Krystle explained the second time
21 that Joseph put his hands on her was approximately a week
22 ago. Krystle advised Joseph came home around 2 a.m. and was
23 clearly under the influence of methamphetamine. Krystle
24 said she took him -- she told him about a book she was
25 reading and the plot surrounded a male character that was

1 extorting a female character.

2 Krystle said Joseph took offense to her talking
3 about the subject, as he believed she was accusing him of
4 doing the same actions towards her. Krystle stated Joseph
5 then grabbed a knife, where he grips his thumb over the tip
6 of it and gestured that he was going to jab the knife in her
7 ribs. Krystle --

8 **MS. DAVIS:** Ms. Vian, did that happened?

9 **MS. VIAN:** Yes.

10 **MS. DAVIS:** Okay. I think that's all I need, Mr.
11 Stelter.

12 Is there anything else that you want to share with
13 us today, Ms. Vian?

14 **MS. VIAN:** Yes. I just want Joe to get help, get
15 some treatment, and then be here because I'm pregnant with
16 his kid, so --

17 **MS. DAVIS:** You're pregnant with his child?

18 **MS. VIAN:** Yeah.

19 **MS. DAVIS:** Okay. All right. Well, thank you
20 very much for talking to us today --

21 **MR. MARLTON:** I have some questions.

22 **MS. DAVIS:** Oh, I'm sorry, Mr. Marlton.

23 **MR. MARLTON:** Please.

24 **MS. DAVIS:** Yes, yes, yes. You can ask your
25 questions.

1 **MR. MARLTON:** Krystle, this is George Marlton
2 here. I'm Mr. Campbell's attorney. I've got a question
3 about those motorcycles. Who'd those belong to?

4 **MS. VIAN:** I don't know.

5 **MR. MARLTON:** They didn't belong to him, did they?

6 **MS. VIAN:** I don't know.

7 **MR. MARLTON:** Did they belong to one of your ex-
8 boyfriends?

9 **MS. VIAN:** No.

10 **MR. MARLTON:** So they just showed up at your
11 place?

12 **MS. VIAN:** Yes.

13 **MR. MARLTON:** How long have they been there?

14 **MS. VIAN:** I am not sure of the exact timeframe.

15 **MR. MARLTON:** You what?

16 **MS. VIAN:** I'm not sure of the exact timeframe.

17 **MR. MARLTON:** Were they there before Mr. Campbell
18 was there?

19 **MS. VIAN:** No.

20 **MR. MARLTON:** They weren't there at the place,
21 then?

22 **MS. VIAN:** Huh-uh.

23 **MR. MARLTON:** Let's see what else I have here.
24 Let's -- let's see. There was a -- do you have a roommate
25 there?

1 MS. VIAN: Yes.

2 MR. MARLTON: Who's that?

3 MS. VIAN: His name is Ross Brooks.

4 MR. MARLTON: Brooks is who?

5 MS. VIAN: A roommate.

6 MR. MARLTON: Whose roommate?

7 MS. VIAN: My roommate.

8 MR. MARLTON: And Brooks is a he?

9 MS. VIAN: Yes.

10 MR. MARLTON: Do those motorcycles belong to him?

11 MS. VIAN: No.

12 MR. MARLTON: You're sure about that.

13 MS. VIAN: Yes.

14 MR. MARLTON: All right. Is he still your
15 roommate?

16 MS. VIAN: Yes.

17 MR. MARLTON: Okay. Mr. Campbell, do you have any
18 questions you want me to ask her? Be careful what you say.

19 MR. CAMPBELL: I understand that, George. And
20 thank you for representing me, but at this time I do not
21 wish to have any more distress, to go relive events in our
22 life twice. That shouldn't be the cause of this situation
23 at all. I'm very distressed because of this.

24 MR. MARLTON: Okay. Well, I think you've said
25 enough, so -- all right.

1 **MS. DAVIS:** Ms. Vian, can I ask one more question?
2 Are you still there?

3 **MS. VIAN:** Yes.

4 **MS. DAVIS:** Okay. Great. When the phone was
5 smashed that night, were you trying to call 911?

6 **MS. VIAN:** Yes.

7 **MS. DAVIS:** Okay. All right. Any follow-up
8 questions after that, Mr. Marlton?

9 **MS. VIAN:** Can I add one more thing?

10 **MS. DAVIS:** Oh, sure, sure.

11 **MS. VIAN:** I just wanted to say that Joseph is an
12 incredible person, and with the right kind of help and right
13 kind of treatment I know he can (indiscernible). I have all
14 the faith in him.

15 **MS. DAVIS:** Thank you.

16 **MS. VIAN:** Might have a really, really hard past,
17 but I have faith in him.

18 **MS. DAVIS:** Mr. Marlton, do you have any follow-up
19 questions after my question?

20 **MR. MARLTON:** No, I don't.

21 **MS. DAVIS:** All right, Ms. Vian. Thank you very
22 much. You're excused.

23 **MS. VIAN:** Thank you.

24 **MS. DAVIS:** Okay. Let's see. So I believe I'm
25 ready to make my ruling.

1 **MR. STELTER:** Can I -- can I ask Joseph to talk
2 about the arrest, the second arrest on 1/29?

3 **MS. DAVIS:** Second arrest on 1/29. If it has --
4 if it has something to do with the violation he's pled the
5 Fifth to, then no. But if it's not about that, then feel
6 free.

7 **MR. STELTER:** It doesn't relate to the violation
8 of the violating the no-contact order. There's no secret
9 that he was arrested that night. I'm just asking him to
10 explain what happened when he was arrested.

11 **MS. DAVIS:** Okay.

12 **MR. STELTER:** Hi, Joseph --

13 **MR. MARLTON:** By who? By you or the police?

14 **MR. STELTER:** Well, the police arrested him, and
15 this was what the officers testified to in the police
16 report.

17 **(Simultaneous speaking.)**

18 **MR. MARLTON:** Mr. Campbell, do not answer that
19 question about your arrest. You have a Fifth Amendment
20 right on there, so --

21 **MR. STELTER:** Okay. I would like to just say
22 something on that. When he was arrested, he resisted arrest
23 by trying to run away and cursing at the officers, saying,
24 fuck you, fucking shoot me. He wouldn't comply with officer
25 commands, which resulted in use of force situation.

1 During transport, Campbell advised his intentions
2 of hitting his head on the vehicle partition so that
3 officers would have to take him to the hospital. He stated
4 he was not going to jail. When he gets out, he'll do
5 whatever he wants.

6 While at the jail in the sally port, Campbell
7 acted out his threats of hitting his head five times as hard
8 as he could on the full car partition. He stated, I'm going
9 to tell the jail you hit me in the head. He lied to the
10 jail staff, stating he just had a seizure. (Audio
11 disruption) Campbell to be transported to the hospital for
12 medical (indiscernible).

13 While at the nurse station at the hospital,
14 Campbell stated, watch this, and proceeded to head butt the
15 wall and broke a plastic feature attached to the wall.

16 **MR. MARLTON:** I've got a question.

17 **MS. DAVIS:** Okay.

18 **MR. MARLTON:** Did you see any of this or are you
19 just reading this from the report?

20 **MR. STELTER:** I'm reading it from the report.

21 **MR. MARLTON:** So you never talked to the officer?

22 **MR. STELTER:** I did talk to the officer.

23 **MR. MARLTON:** And is he available?

24 **MR. STELTER:** Is he available?

25 **MR. MARLTON:** Yes, to testify.

1 **MR. STELTER:** I don't know. I could try to call
2 him. I've got to look to see if I have his phone number.

3 **MR. CAMPBELL:** Do I get a right to go through this
4 evidence at all, or is this just being presented as we go?

5 **MS. DAVIS:** Well, Mr. --

6 **MR. MARLTON:** No, you can't say anything right
7 now. I'll cross-examine, Mr. Campbell.

8 **MS. DAVIS:** Mr. Campbell, at the beginning, I
9 asked you if you received the information on the alleged
10 violation and had an opportunity to talk to your attorney,
11 and you said yes, so I'm assuming that you have seen this by
12 your answer.

13 **MR. CAMPBELL:** I have not seen any of this. I
14 don't have any of this. This is not -- what I was given was
15 abbreviations of four through seven. I was given all the
16 violations of one through seven, and then I was given
17 abbreviation copy -- I don't have none of this other stuff
18 right here. It's extra.

19 **MR. STELTER:** Your attorney was presented with all
20 the discovery material.

21 **MR. MARLTON:** No, no. You're supposed to serve
22 him with that. He's in Monroe. You know better than that.

23 **MR. STELTER:** No --

24 **MR. CAMPBELL:** I have not had any of this to view
25 or even look at.

1 **MS. DAVIS:** Okay. So since there is a question of
2 whether you received this additional information in the
3 police -- from a police report about your behavior while
4 being transported, I don't know that we need to have a
5 witness because I'm not going to consider it. I think I
6 have more than enough to make my ruling. So you don't need
7 to see if you can contact the officer, Mr. Stelter.

8 **MR. STELTER:** Okay. All right. Fair enough.

9 **MS. DAVIS:** All right. So Mr. Campbell, I -- this
10 is a little bit complicated because you have some charges
11 but no convictions on some things. But given -- but given
12 the testimony from Ms. Vian and, I guess, the lack of
13 evidence and information on at least one of the violations,
14 I'm going to rule as follows.

15 So I believe I already said guilty for one through
16 three. So for violation number four, I'm going to go ahead
17 and rule not guilty. This is not because I believe that you
18 are not guilty. It's just because the state has the burden
19 of proof. And considering there's no conviction and no
20 other information to corroborate the hearsay, I have to find
21 not guilty.

22 With regard to violation five and six, I'm going
23 to find that you are guilty, and that is my ruling. And
24 then, of course, number seven was dismissed without
25 prejudice.

1 So moving on to the dispositional phase. CCO, do
2 you have a recommendation for disposition?

3 **MR. STELTER:** Well, I do, which is what's on the
4 report. Initially, when this was created, I hadn't received
5 the police reports. It took a while to get the police
6 reports, so my recommendation was (indiscernible) police
7 report. I think Joseph has a lot of things going on in his
8 life.

9 **MS. DAVIS:** Uh-huh.

10 **MR. STELTER:** You know, including things that we
11 didn't even talk about. I guess we don't have to bring it
12 up, but there were other things in the report. It was a
13 pretty detailed, lengthy report. A lot of accusations in
14 there about theft, you know, ID theft. There's a lot of
15 things in there.

16 I don't know if treatment is -- I mean, I'm on the
17 fence. I don't know if Joseph's been in treatment before.
18 I don't know if treatment is the solution. I'm not sure at
19 this point.

20 But my written recommendation before the police
21 report -- do you want me to read the adjustment?

22 **MS. DAVIS:** No. I don't need you to read the --

23 **MR. STELTER:** -- recommendation.

24 **MS. DAVIS:** Yeah, just the recommendation. I'm
25 looking for it now, but you can tell me it while I'm

1 looking.

2 **MR. STELTER:** Yeah. So the recommendation as
3 written is release directly into an intensive inpatient
4 treatment facility and successfully complete this program.
5 Minimum 90 days monitoring following release from treatment
6 with TCS-set curfew and maintain stable housing
7 (indiscernible).

8 **MS. DAVIS:** And now, given the charges, does your
9 recommendation change in any way?

10 **MR. STELTER:** It possibly -- I'm on the fence. I
11 could lean either way. I could lean towards revocation with
12 the new evidence that I read in the reports.

13 **MS. DAVIS:** Okay. All right.

14 Mr. Campbell, what do you think should happen?

15 **MR. CAMPBELL:** With the evidence that's been
16 placed, I'm leaning towards treatment. I do have a lot
17 going on. I have a job lined up right now. It's kicking
18 off for the season for a union roofer job with Garrett
19 Roofing.

20 I also have a side business going with a guy I've
21 been working with off and on. We're getting ready to get
22 geared up. He's already done two houses worth of flooring.
23 I was running my own business out there for a long time.
24 And then the holidays came around, you know, a lot of stuff
25 came up.

1 It was really hard catching my girlfriend talking
2 to her ex-boyfriend, and I kind of went off the deep end. I
3 never put my hands physically on Ms. Vian. We had a no-
4 contact order. It's been lifted between me and her. She
5 lifted it a while back so I could talk freely with Ms. Vian.

6 **MR. MARLTON:** It hasn't -- just a clarification.
7 It hasn't been lifted. It's been modified.

8 **MR. CAMPBELL:** Okay. So I can talk freely with
9 Ms. Vian. It's been modified to telephone and letters.
10 We're trying to fix our relationship as good as we can. And
11 I know it's a wrong road between me and her, and I think one
12 of the things I can really benefit from is doing a co-
13 occurring, a long-term treatment, and maybe (indiscernible)
14 had a treatment center that has that.

15 There's a few other ones. I know one of the
16 things I need to get going again in my life, and it helped a
17 lot, was counseling. And I did have a counseling session
18 for a while there, and I don't know why DOC does not have an
19 ROI for it. They should.

20 I believe I did do an ROI for Lifeline staff where
21 they did a mental health evaluation on me, like he wanted,
22 and all I have to do is show up and have it re-established
23 for them. I'm devastated at my actions the last few months.

24 **MS. DAVIS:** So were you diagnosed in 2018 with
25 bipolar?

1 **MR. CAMPBELL:** I was semi-diagnosed with -- not
2 bipolar, but semi-bipolar -- semi-mood alterations. And I
3 stopped going back for that because they diagnosed me off a
4 questionnaire 15 minutes before I went and seen the pill
5 lady when I had a two-hour diagnosis of PTSD and ADD and I
6 was --

7 **MS. DAVIS:** Were you on medication?

8 **MR. CAMPBELL:** -- bipolar. I had a two-hour --

9 **MS. DAVIS:** Were you on medication?

10 **MR. CAMPBELL:** I was prescribed some medication
11 and it was like taking a fog. I couldn't function --

12 **MS. DAVIS:** So you stopped?

13 **MR. CAMPBELL:** -- and work. I couldn't go to -- I
14 couldn't get up and go to work in the morning, let's put it
15 that way.

16 **MS. DAVIS:** So you stopped the medication?

17 **MR. CAMPBELL:** Yeah. I stopped medication. I
18 stopped, and I told my counselor about it, and she said
19 that's offensive, that they wouldn't diagnose you bipolar
20 after I did a two-hour evaluation with you, and you weren't
21 bipolar then.

22 I also had big pharma sitting right behind her,
23 and she was pushing drugs and --

24 **MS. DAVIS:** So why were you taking meth every day
25 for -- what was it -- almost two months?

1 **MR. CAMPBELL:** I'm ADD. I've been diagnosed.
2 I've been given Adderall most of my life, and self-
3 medication is one of the things that I have a problem with.
4 It's something I've -- I don't wish I had an answer for it.
5 I wish I had a solution for it. That's what I --

6 **MS. DAVIS:** Was drug use a part of your index
7 offense?

8 **MR. CAMPBELL:** No. Alcohol abuse was a part of --

9 **MR. MARLTON:** Alcohol --

10 **MS. DAVIS:** Alcohol, okay --

11 **MR. CAMPBELL:** Yeah.

12 **MS. DAVIS:** But not meth.

13 **MR. CAMPBELL:** I did not use methamphetamines then
14 outside of what was my prescription medications.

15 **MS. DAVIS:** Until you started using meth earlier
16 this year --

17 **MR. CAMPBELL:** Way after. Way after.

18 **MS. DAVIS:** Let me see. I think I saw -- okay.
19 So just you -- okay. Intoxication. So okay, alcohol. Then
20 your SOSA was revoked for marijuana and alcohol. But
21 recently, it's been just meth?

22 **MR. CAMPBELL:** Yes, just methamphetamines.

23 **MS. DAVIS:** Well, I mean, it's not just meth, but
24 you know what I mean. Only meth.

25 **MR. CAMPBELL:** Yeah, I don't mean to minimize it

1 at all. It's nothing I want any more in my life.

2 **MS. DAVIS:** How would you feel about taking some
3 kind of anger management or DV treatment?

4 **MR. CAMPBELL:** All day. In fact, it's part of my
5 program. I am going to take it. Me and Ms. Vian have been
6 talking about us both taking counseling for what we've got
7 going on in our lives and privately and --

8 **MS. DAVIS:** Mr. Campbell, if you are not revoked,
9 you're not going to be able to have contact with her for a
10 long while. So I don't want any plans including Ms. Vian.
11 I don't want to hear about any future plans including her.
12 Because if I don't revoke you, you're not going to be able
13 to have contact with her.

14 **MR. CAMPBELL:** Ever again?

15 **MS. DAVIS:** I'm not going to say ever again. But
16 it's going to be a while, and you're going to have to get
17 approval from your CCO.

18 **MR. CAMPBELL:** That's fine. Just as long as I can
19 work towards --

20 **MS. DAVIS:** I think your focus -- I think your
21 focus needs to be working towards staying sober and working
22 toward getting your mental health straightened out, and
23 working toward not being a violent person or -- what did you
24 say -- flipping out when you receive news that's not
25 necessarily favorable. That's what you need to be working

1 toward.

2 **MR. CAMPBELL:** Yes. And my program is working
3 towards that. Sorry.

4 **MS. DAVIS:** How would you work, go to treatment,
5 and attend any kind of mental health sessions? How would
6 you do all that?

7 **MR. CAMPBELL:** My plan outside -- outpatient
8 treatment that is in the evenings. My hours of work through
9 Garrett Roofing would have been union, so I'd work roughly
10 eight-hour days in between there. And if I'm not working
11 there, I can find a job working days. Not a problem. I'd
12 go back to A&J Cabinets. I can go back to a 9 to 5 job.

13 **MS. DAVIS:** What if it's not outpatient treatment?
14 What if it's not outpatient? What if it's inpatient? I
15 find that doing meth every day and self-medicating very
16 concerning.

17 **MR. CAMPBELL:** Well, if it's inpatient treatment,
18 I can do the inpatient treatment, and after I get out of
19 inpatient treatment, that's what I was talking about.
20 Lifeline has a place where I can start my counseling and --
21 start mental health and start my inpatient treatment at the
22 same exact time. They're in the same building.

23 **MS. DAVIS:** You mean inpatient treatment for the
24 meth.

25 **MR. CAMPBELL:** From alcohol, yes.

1 **MS. DAVIS:** Okay, okay. Got it.

2 **MR. CAMPBELL:** And then I can do my mental health
3 treatment there, too. And I start at Y and I in inpatient
4 treatment there.

5 **MR. STELTER:** What's the length of their program?
6 I don't think their program is very --

7 **MR. CAMPBELL:** It's -- for Apple Healthcare, which
8 I'm under, they only got a 30-day contract with them, up to
9 38 days. I know that there is an ABHS. I'm terrified to go
10 to ABHS Chehalis. I'm telling you right now, guys. Every
11 person I've talked to about coming out there, they were
12 talking about ABHS just riddled with drugs in it.

13 It's not ABHS's fault. It's just what I hear the
14 guys next to me say, yeah, I just got out of ABHS because
15 they had so much drugs in there. They got the guy sitting
16 right next door shooting dope in his room. Now I'm thinking
17 --

18 **MR. STELTER:** Joseph, have you completed inpatient
19 before?

20 **MR. CAMPBELL:** Yes, I have. Yes. And --

21 **MR. STELTER:** How long was that for?

22 **MR. CAMPBELL:** That was the 30-day program.

23 **MS. DAVIS:** And that was where?

24 **MR. CAMPBELL:** That was at Lifeline.

25 **MS. DAVIS:** Lifeline. Okay.

1 **MR. CAMPBELL:** I then was set at my outside
2 community, and I was able to set up my -- I walked out of
3 Lifeline with everything set up, and the first day figured
4 out. And it doubled my chances. I was sober for quite a
5 long time.

6 **MS. DAVIS:** So will Lifeline --

7 **MR. MARLTON:** Mr. Campbell, when was that?

8 **MR. CAMPBELL:** When I went to Lifeline was 2018,
9 November 20th, 2018. And I got out of there at December
10 23rd, I believe. I did a full stint. Walked out of there,
11 and my life took off for me.

12 **MS. DAVIS:** So Mr. Campbell, if -- did you say
13 that Lifeline will only allow 30 days or Apple Healthcare
14 will only pay for 30 days at Lifeline?

15 **MR. CAMPBELL:** Yeah, I think that's the contract
16 they have. I'm not sure about the contract. I've never
17 seen one in my life, but that's their program at their 30-
18 day treatment center.

19 **MS. DAVIS:** If you were ordered to take more than
20 30 days, how would you pay for it?

21 **MR. CAMPBELL:** I'd have to go to a different
22 treatment center, and then I'd have to ask my Apple
23 Healthcare, or I'd have to take a bill and work it off.

24 **MS. DAVIS:** Okay. And then where were you -- you
25 said that you had a job lined up. What's the name of the

1 company?

2 **MR. CAMPBELL:** Yes. Garrett Roofing is a union
3 roofing company, and all I have to do is go sign on with the
4 union hall. And he said he'd hire me on the spot and we're
5 ready to go.

6 **MR. MARLTON:** The cabinet thing wasn't a very good
7 idea, was it? Didn't you have some trouble there
8 previously?

9 **MR. CAMPBELL:** Yes, it was. There was some
10 trouble. And I know the owner of the cabinet company, Nick.
11 And Nick has cleaned that place up quite a bit, actually.

12 **MR. MARLTON:** There were drugs there. That was
13 what your concern was.

14 **MR. CAMPBELL:** Yeah. It was -- it was a huge
15 problem. There's guys working 14-hour days nonstop. And
16 it's like after a while, you know, you've got to go home and
17 go to bed at some point, bud. But here recently I talked to
18 Nick. I met up -- I saw him at a gas station and asked him
19 how things were going, and Nick is the present owner of A
20 and J Cabinets in Vancouver, Washington, and he said any
21 time you want to come back and work for me, man, you show
22 up, and you have a job.

23 So there's plenty of work situations that I -- it
24 doesn't -- I can go to work. But I want to take care of my
25 drug and alcohol --

1 **MS. DAVIS:** What about -- what about a residence?
2 Where would you live?

3 **MR. CAMPBELL:** I've got a friend offer a place to
4 me for a little while. And I'm -- I'm really considering
5 it, but one of the things is that I want to step out on my
6 own two feet and really learn how to get those -- I missed
7 those. 19 through 27, I missed how to live in society.

8 I'm terrified of making simple things happen.
9 Like making a payment, having a doctor's appointment. Oh,
10 my God, I'm terrified of those things, and I need to learn
11 how to do those sink or swim, tell you the truth --

12 **MR. MARLTON:** But -- Mr. Campbell, did you have
13 something about -- you went to prison when you were 18 or
14 19. But then you got in contact with this Breaking Through
15 Chains Ministries?

16 **MR. CAMPBELL:** I'm actually seeking contact. I
17 know the Breaking the Chains Ministry has a housing unit for
18 people who have expenses. It's really hard, tell you the
19 truth, when you don't have a lot of options in Clark County
20 right now, and that's something I plan on changing with my
21 own life, but Breaking Through Chains Ministry does have an
22 option for me, and I plan on seeking them out, and then
23 within at least six months, I want to be out on my own.

24 Some of the places they have registered for people
25 -- places they have set aside are in high drug areas.

1 Robinwood is just riddled -- the worst place I've seen in
2 Vancouver, and so is the trailer park out on Highway 99 by
3 the DOC office. It's just a drug use place.

4 But regardless of that, it doesn't matter where I
5 go. If I set my standards higher, I believe I can gain
6 them. I've done it once. I know I can do it again. I was
7 running my home business out there.

8 **MS. DAVIS:** Okay. Mr. Marlton, what's your
9 recommendation?

10 **MR. MARLTON:** Well, I've -- I -- you know, Mr.
11 Stelter, you know -- I mean, I -- you know, I can't disagree
12 with the -- you know, his original recommendation that
13 inpatient -- you know, he's been locked up. I don't know,
14 you know, what the situation is, you know, far as him coming
15 back for his criminal charges, so I'd ask that he be
16 reinstated so at least he can take care of those.

17 That may be a whole other bump on the road, but
18 conditions -- if he gets a DV conviction, he's going to, you
19 know, mandatory DV counseling. That's where it goes, of
20 course, without saying. If he's not, of course he's got the
21 board's condition. But yeah, I think -- I agree that he
22 should get in some DV counseling just to keep himself from
23 getting in a bad situation again.

24 And being a sex offender, you know, he -- you
25 know, anybody can point their finger at him, and he knows

1 that. So you know, he's got a good work ethic. I know
2 that. And it's that terrible drug, the methamphetamine.
3 And you know, my -- I don't know why he can't do ABHS. I
4 know that -- you know, we always hear terrible things about
5 the drugs there, but maybe they've cleaned it up.

6 The board probably knows more than anybody else.
7 I don't know. But we always use them a lot, so at least he
8 could have a place to go. But he does have that pending
9 criminal charge, so if he's reinstated with whatever
10 conditions you want to have, he can get back down to Clark
11 County. I don't know if they --

12 Did they release you on your own recognizance, or
13 do they pull your bail when you didn't show up? Do you
14 know?

15 **MR. CAMPBELL:** I got released on my own
16 recognizance, and most of that is actually -- most of the
17 charges have been exonerated.

18 **MR. MARLTON:** Yeah. Well, what I'm thinking is,
19 Your Honor, he may have a bench warrant for failure to
20 appear.

21 **MR. CAMPBELL:** I do not.

22 **MR. MARLTON:** Yeah. Well --

23 **MS. DAVIS:** CCO, can you double-check that?

24 **MR. STELTER:** Pardon me?

25 **MS. DAVIS:** Can you double-check that and email

1 the board?

2 **MR. STELTER:** As far as the charges being
3 exonerated?

4 **MS. DAVIS:** Yeah, or if there's a bench warrant.
5 I don't want to further complicate things.

6 **MR STELTER:** Sure, I can find that out. I know he
7 has not been exonerated from the -- he may have been
8 exonerated the DV order violation, but I know he hasn't been
9 exonerated from the other charges. The mal misch, the
10 interfering with reporting, and the possession of stolen
11 vehicles is being investigated, so those were in the
12 referral process.

13 I'll have to check on if there's a bench warrant
14 or not. I can get back to you on that.

15 **MS. DAVIS:** Yeah. Would you, please, just maybe
16 email the HI. I think it's Matt. No, no. It's Kristy
17 Bush. Would you email her and she'll get back to me?

18 **MR. MARLTON:** And he may have another court date.
19 I'm sure he's got another court date which we don't know of.

20 Unless, Mr. Campbell, do you know about your new
21 court date?

22 **MR. CAMPBELL:** I do not know about a new court
23 date.

24 **MR. MARLTON:** Yeah. Because if you don't make it
25 on the first one, they set another one, if they can do that

1 you know, on a continuance. Or if they don't do that, they
2 always have that bench warrant out. I think you're familiar
3 with that.

4 **MR. CAMPBELL:** Yeah.

5 **MR. MARLTON:** Okay. So you can't go anywhere if
6 you've got a warrant. You come back to the county jail.

7 **MS. DAVIS:** Right.

8 **MR. CAMPBELL:** So --

9 **MS. DAVIS:** So CCO, would you find that out for me
10 because it will play a part in my decision.

11 **MR. STELTER:** I might be able to make a phone call
12 right now and find out, if you want me to do that.

13 **MS. DAVIS:** Well, I don't want to wait. You can
14 just email me.

15 **MR. STELTER:** Okay.

16 **MS. DAVIS:** Email Kristy. She's pretty good about
17 getting things to me. Okay.

18 So I have a lot to consider, obviously. And I've
19 gotten an affirmative response from you, Mr. Campbell, on if
20 you are not revoked -- and I am not saying that that's not
21 what's going to happen. I'm just asking so that I have --
22 can consider my options. If you are not revoked, you are
23 willing to go to chemical dependency treatment, you're
24 willing to undergo domestic violence treatment, and you are
25 willing to abide by a condition that says no contact with

1 Ms. Vian until your CCO approves it. Is that correct?

2 **MR. CAMPBELL:** Absolutely correct.

3 **MS. DAVIS:** All right.

4 **MR. CAMPBELL:** Yes.

5 **MS. DAVIS:** Okay. Well, I think I have everything
6 I need.

7 Mr. Marlton, did you -- did you have anything left
8 to say? Did you want to make a closing, anything like that?

9 **MR. MARLTON:** No. Thank you, Your Honor. Thank
10 you, everybody. I appreciate it. Thank you. Have a good
11 day.

12 **MS. DAVIS:** All right. That will conclude the
13 hearing, everyone. Have a good day. Enjoy some of this
14 sunshine.

15 **(Whereupon, the hearing concluded.)**
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CERTIFICATE

I, Jodi Dean, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 13th day of September, 2021.

A handwritten signature in dark ink, appearing to be 'Jodi Dean', written over a horizontal line.

Jodi Dean

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APPENDIX D



**STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD**
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

FINDINGS AND CONCLUSIONS

NAME:	CAMPBELL, Joseph	
DOC#:	858961	
HEARING TYPE:	Violation Hearing	<input type="checkbox"/> Pre-84
DATE:	March 11, 2021	<input checked="" type="checkbox"/> CCB
LOCATION:	MCC-WSR	<input type="checkbox"/> Juv. Brd.
BOARD MEMBER:	Tateasha Davis	
FINAL DECISION DATE:	March 25, 2021	

This matter came before the above named Presiding Board Member of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a violation/revocation hearing. Mr. Campbell appeared in person and was represented by his attorney George Mariton. Present for the Department of Corrections was Community Corrections Officer (CCO) Brenden Stelter, who was represented by Assistant Attorney General John Dittman.

JURISDICTION:

- I. Mr. Campbell was convicted of the following offense: Rape of a Child in the Second Degree under Clark County Cause # 03-1-00985-7
- II. Mr. Campbell was sentenced to a term of 125 months to Life.
- III. Mr. Campbell was last released from custody on April 4, 2017, subject to the rules and conditions of parole/community custody and under the supervision of a Community Correction Officer (CCO).

INDEX OFFENSE:

According to file materials, on May 10, 2003 Mr. Campbell, at his age of 18, sexually assaulted an unknown 12-year-old female. The victim and a number of her friends were having a party that included consuming alcoholic beverages at a park. Mr. Campbell and another male friend drove up and joined the party. During the party Mr. Campbell was observed walking with the victim into the bushes, and approximately 20 to 30 minutes later the victim was heard to yell "no, no, no." Mr. Campbell was seen leaving a short time later. Two members of the group found the victim, partially naked and semi-conscious on the ground. When they attempted to help her, the victim flailed her arms and said, "He raped me." The victim passed out due to being intoxicated. Police subsequently investigated the group due to the party and learned a possible sexual assault had occurred. The victim could not remember having sex or being raped. Mr. Campbell, when interviewed by the police, admitted he had penile/vaginal contact with the victim and admitted both he and the victim were 'highly intoxicated' at the time. Mr. Campbell denied using any force.

VIOLATIONS:

IV. On January 25, 2021, parole/community custody was suspended for allegedly committing the following violations of supervision:

1. Consuming Methamphetamine daily between 12-1-2020 and 1-29-2021.
2. Failure to notify a Community Corrections Officer within 48 hours of arrest or citation as directed on or before 1-21-2021.
3. Failing to be available for contact with a Community Corrections Officer on or before 1-25-2021.
4. Failure to obey all laws by committing Possession of a Stolen Motor Vehicle (x2) in violation of RCW 9A.56.068 on/about 1-18-2021.
5. Failure to obey all laws by committing Malicious Mischief 3rd DV in violation of RCW 9A.48.090 on/about 1-18-2021.
6. Failure to obey all laws by committing Interfering with Reporting Domestic Violence in violation of RCW 9A.36.150 on/about 1-18-2021.
7. Failure to obey all laws by committing Violation of a No Contact Order in violation of RCW 36.50.110 on/about 1-27-2021.

V. The above violations are in connection with the Order of Release issued on February 27, 2017.

FINDINGS:

VI. At the hearing on March 11, 2021 Mr. Campbell entered the following plea to each violation:

1. Guilty
2. Guilty
3. Guilty w/ explanation
4. 5th Amendment
5. 5th Amendment
6. 5th Amendment
7. 5th Amendment

The Board Member, having heard all evidence and testimony of witnesses and considering arguments of counsel and any documents submitted by all parties, makes the following finding as to each violation:

1. Guilty
2. Guilty
3. Guilty
4. Not Guilty
5. Guilty
6. Guilty
7. Dismissed without prejudice

The Presiding Member based their findings on the offender's knowing and willing admissions and/or a preponderance of the evidence provided during the hearing.

EVIDENCE RELIED UPON:

The Presiding Member heard the testimony of the following witnesses:

- Krystal Viam
- CCO Brendan Stelter
- Joseph Campbell

The Presiding Member also considered: Probable Cause (PC) Review sheet dated February 18, 2021; Violation Specified dated February 3, 2021; Board Notice of Violation (Violation Report) dated February 4, 2021; Judgment and Sentence dated February 25, 2015; ISRB Order of Release/Parole dated February 27, 2017 and all other material provided in Discovery.

DISPOSITION DECISION:

Mr. Campbell was first released by the Board in 2012 and revoked in 2015 with a new minimum term of 18 months added. He was released into the community for a second time in 2017 and has had 5 violation processes including the present violations since then. Since his 2017 release all violations processes have included consumption of methamphetamines.

In the present hearing CCO Stelter read the alleged violations and Mr. Campbell entered his plea as stated above. This Board member accepted his guilty pleas for violations # 1-3, found him 'Not Guilty' for violation #4, and Guilty for violations #5 and 6. Alleged violation # 7 as dismissed without prejudice.

Mr. Campbell provided an explanation for his guilty plea for violation #3. He stated he didn't have a phone with him and wasn't able to contact his CCO. There was some confusion about whether violations 2 and 3 could be combined because they both involve contact with the CCO. The violations are different because #2 occurred after his first arrest and it was determined that he had an opportunity to alert his CCO of his arrest within 48 hours. Violation #3 was because he was not available for contact even though the CCO called his parent's home and left a voice message on his cell phone which was not returned. Mr. Campbell testified that he was unaware of any voice message from his CCO.

CCO Stelter provided evidence for alleged violations #4-7 which included a police report. Mr. Campbell did not testify for violation #4-7; however, testimony was provided by Krystal Vian. The record states Ms. Vian's roommate called the police to report a domestic disturbance between Mr. Campbell and Ms. Vian. Ms. Vian gave her statement to the police which included Mr. Campbell threatening bodily harm on more than one occasion, breaking her phone, and being abusive toward her. Ms. Vian's initial testimony was tentative. It appeared to this Board member that she was either nervous, scared, or did not want to cooperate with questioning. CCO Stelter questioned Ms. Vian on the record about the night Mr. Campbell got arrested for Malicious Mischief 3rd DV. She testified that the statements she made to the police on the evening of the arrest about specific altercations between herself and Mr. Campbell were true, and that Mr. Campbell took her phone while she attempted to call the police and threw it across the room.

Mr. Mariton, attorney for Mr. Campbell, questioned Ms. Vian about the motorcycles on her property. She stated she did not know who they belonged to, but the motorcycles were not hers or her roommates. She did not know exactly how long they were parked at her home but they were not present before Mr. Campbell moved into her home.

CCO Stelter testified that his recommendation prior to receiving the police report was treatment, 90 days GPS, and obtain work and stable housing. Now, given the police report, he recommends either revocation or reinstatement with additional conditions. CCO Stelter could not be confident that only treatment would be the appropriate solution given the nature of the other alleged violations in his report and the police report.

Mr. Campbell recommended treatment and confessed that he does have a lot going on. He claims to have a job lined up with a roofing company. He admitted that it was hard catching Ms. Vian talking to her ex-boyfriend and that it "sent him off the deep end". Mr. Campbell denied ever being physically violent with her and stated she dropped the No Contact Order against him so that they could remain in contact. CCO Stelter clarified that the NCO was not lifted, it was modified to allow phone and written communication.

Mr. Campbell is revoked based on the following:

- He has admitted to continuous use of methamphetamines
- He's had 5 violation processes since his latest release, all involving methamphetamine consumption which shows he's engaging in high risk behaviors despite being given many opportunities for treatment
- He has been charged with Malicious Mischief 3rd DV and other crimes
- He's currently unemployed
- He cannot be adequately supervised in the community

CONCLUSIONS:

Based upon the foregoing findings of fact, the Indeterminate Sentence Review Board makes the following conclusions:

- I. Mr. Campbell has violated the conditions of release as stated above.
- II. It would be in the best interest of the public and for the best welfare of Mr. Campbell that: an Order of Parole/Community Custody Revocation be issued and Mr. Campbell be returned to Monroe Correctional Complex- Washington State Reformatory, or other institution as determined by the Department of Corrections. The Board will set the new minimum term within 30 days.

TD: ls

CC: Joseph Campbell/Offender
George Mariton/Attorney
Brenden Stelter/CCO
John Dittman/AAG
File

FOR CCB OFFENDERS ONLY

**Violation Hearing Decision
NOTIFICATION OF RIGHT TO APPEAL**

Pursuant to WAC 381-100-320 Appeal of Community Custody Violation sanctions. You may appeal the sanction of the violation hearing. Appeals must be filed with the ISRB within seven (7) days after receiving the Findings and Conclusions.



**STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD**
PO BOX 40807 • Olympia, Washington 98504-0807

DATE: March 29, 2021

TO: MCC - WSR
Attn: Records

SUBJECT: Administrative Board Decision

RE: Joseph CAMPBELL
DOC 858961

An administrative decision of the Board in regard to the above-named individual has been made and is as follows:

Mr. Campbell's community custody was revoked on March 25, 2021.

Per RCW 9.95.435(1), the Indeterminate Sentence Review Board sets a new minimum at 36 months on Clark 03-1-00985-7.

Next action: Schedule a .420 hearing 120 days prior to ERD.

New TS: 1-29-2021

Reasons for decision:

- He has admitted to continuous use of methamphetamines
- He's had 5 violation processes since his latest release, all involving methamphetamine consumption which shows he's engaging in high risk behaviors despite being given many opportunities for treatment
- He has been charged with Malicious Mischief 3rd DV and other crimes
- He's currently unemployed
- He cannot be adequately supervised in the community

File: Institution
Offender
File/is



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD

P.O. BOX 40000, TOLIMIANA WAY #85040907

Parolee ☐ CCBB ☒ JUVENILE ☐

ORDER OF PAROLE/COMMUNITY CUSTODY REVOCATION AND RETURN TO STATE CUSTODY

WHEREAS, Joseph Allen CAMPBELL, DOC #838961/DOB 416685 was granted parole/community custody on Cause Number(s) Clark 0310098577 subject to conditions set by the Indeterminate Sentence Review Board, and

WHEREAS, above noted offender having appeared before the Board for an on-site parole/community custody revocation hearing in accordance with the provisions of Chapter 98 of the Laws of 1969, and the Board having fully considered the facts of said offender's parole/community custody and adjustment, and having entered findings and conclusions that said offender has violated one or more of the conditions of parole/community custody;

WHEREAS, the Indeterminate Sentence Review Board, exercising the discretion vested in it by law, deems it to be in the public interest and for the best welfare of the above noted offender that said person's parole/community custody be revoked and said person be returned to state custody.

WARRANT

NOW, THEREFORE, the Indeterminate Sentence Review Board, by virtue of the authority vested in it by law, REW 9.95.120 or 9.95.440, does hereby revoke the parole/community custody of Joseph Allen CAMPBELL on the above referenced causes and authorizes and directs any peace officer of the State of Washington, or any other state, to apprehend, take and hold said person in custody, and, thereafter deliver the custody of said person to the agents of the Department of Corrections for transportation to a state correctional institution for convicted felons.

Done at Olympia _____,

Washington, this 25th day of March _____, 2021.

INDETERMINATE SENTENCE REVIEW BOARD

Tateasha Davis/is

Upon your return to the state correctional institution, your new minimum term of confinement will be determined administratively for the crime for which you were originally convicted.

COPY SERVED THIS 23rd day of April _____, 2021.

Offender: [Signature] Date: 4/23/21

Witness: [Signature] Position: CCBB Date: 4/23/21

APPENDIX E



Confidential

I/I Copy

LOG I.D. NUMBER: 21741747

COMPLAINT FORM

CHECK ONE:

☒ Initial☐ Emergency☐ Appeal☐ Rewrite

NAME: Last CAMBELL	First JOSEPH	Middle A/Lean	DOC number 8539561	Facility/Office SCCC	Unit/Cell Hr-33 B-40
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WHO (names) or WHAT (policy, procedure, or practice) are you grieving?

DOC EMPLOYEE: LISA FLYNN

LOCATION of incident/grievance OFFICIAL LETTER AUTHORED AT DOC HQ.	DATE of incident OCT. 18, 2021	TIME of incident UNKNOWN
---	-----------------------------------	-----------------------------

WITNESS names and DOC numbers (if relevant): KRYSTLE L. VIAN; MR. DAN VAN OGLE; MR. RON HAYES; GINA PENROSE; SHANE EVENS; JASON MARTIN; MR. MICHAEL SCHNOOR

SHORT DESCRIPTION of what happened and how it affected you (ONE issue per grievance):

I WANT TO GRIEVE THE DEPT. OF CORRECTIONS EMPLOYEE, LISA FLYNN WHO IS THE CORRECTIONAL PROGRAM ADMINISTRATOR OF PRISONS AT DIVISION HQ. MS. FLYNN DID ON OCT. 18, 2021 AUTHOR AN OFFICIAL DOC LETTER TO MY CHILD'S MOTHER, KRYSTLE L, VIAN WHICH DID CONTAIN ARBITRARY AND CAPRICIOUS STATEMENTS THAT ARE CATEGORICALLY FALSE AND MISLEADING. DOC EMPLOYEE FLYNN DID STATE WITHIN SAID OFFICIAL DOC LETTER HER INFERENCE THAT MY CHILD'S MOTHER KRYSTLE L. VIAN IS A VICTIM OF MY CURRENT OR PREVIOUSLY ADJUDICATED OFFENSE. NOTE: I HAVE NEVER BEEN CONVICTED OF A CRIME AGAINST MS. VIAN. I HAVE NEVER BEEN CONVICTED OR ADJUDICATED, OR FOUND GUILTY OF A CRIME OF DOMESTIC VIOLENCE. THIS CAN BE VERIFIED BY CC2 MR. SCHNOOR WHO HAS CONFIRMED THIS INFORMATION TO ME PERSONALLY ON OR ABOUT OCT. 22, 2021.

SUGGESTED REMEDY: RECALL MS. FLYNN'S OCT. 18, 2021 LETTER AND INSTRUCT HER TO RE-ISSUE A NEW LETTER WITHOUT THE FALSE OR MISLEADING STATEMENTS;

MANDATORY SIGNATURE: OR ANY INFERRALS ABOUT AN ALLEGED CRIME:

GRIEVANCE COORDINATOR'S RESPONSE:	Facility/Office Received SCCC	Date Received 10/25/2021
-----------------------------------	----------------------------------	-----------------------------

<input type="checkbox"/> Formal grievance/appeal paperwork being prepared	<input checked="" type="checkbox"/> Rewrite (see below)	<input type="checkbox"/> Sent to:
<input type="checkbox"/> Informally resolved	• Return in 5 working days or by	• Date sent:
<input type="checkbox"/> You didn't attend callout	<input checked="" type="checkbox"/> No rewrite received 11/2/21	• Date received:
<input type="checkbox"/> Administratively withdrawn	<input type="checkbox"/> You requested to withdraw	<input type="checkbox"/> Not grievable
		<input type="checkbox"/> Not acceptable

Comments: Rewrite and include where, when and how you obtained this information. Also, do you have a copy of the letter.

Coordinator (print) DAHNE	Coordinator (signature) D Dahne	Date 10/29/21
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Confidential

1/1 Copy

RESOLUTION REQUEST

Check one:

☐ Initial ☐ Emergency ☐ Appeal ☒ Rewrite

DOC NUMBER: 2214747

Facility/office received

Date/time received

See

11/15/21

Include doc number for appeal or rewrite

Last name CAMPBELL	First JOSEPH	Middle initial AA.	DOC Number 858961
Facility/office Stafford Creek Corrections		Unit/Cell Ht-33 B3-400	
Location Official Letter Authored at DOC HQ.		Date of incident OCT. 18, 2021	Time UNKN.
Witness name(s) and DOC number (if relevant): KRISTIE L. VIAN; MR. DAN VAN OGLE; MR. RON HAYES; GINA PENROSE; SHANE EVANS; JASON MARTIN; MR. MICHAEL SCHNOOR.			
Who (names) and/or what (policy, procedures, or practice) are you submitting your concern about? I AM GRIEVING MS. LISA FLYNN AND HER OFFICIAL DOC LETTER CONTAINING DEFAMATORY STATEMENT.			
Provide a short description of what happened and how it affected you: PER RE-WRITE INSTRUCTIONS I OBTAINED A COPY OF THE LETTER REFERENCED BELOW FROM THE DOC EMPLOYEE, AS I WAS A CC: RECIPIENT DESIGNATED BY THE AUTHOR OF THE LETTER MS. FLYNN. YES I HAVE A COPY OF THE LETTER AND IT IS ALSO IN MY ELECTRONIC FILE, TO PREVENT ANY FURTHER DELAY OR RE-WRITE INSTRUCTIONS. I'M CLARIFYING THAT I AM NOT GRIEVING MS. FLYNN'S DENIAL DECISION. I AM GRIEVING HER FALSE INFERENCE WITHIN THE LETTER, AS FOLLOWS: I WANT TO GRIEVE THE DOC EMPLOYEE, LISA FLYNN WHO IS THE CORRECTIONAL PROGRAM ADMINISTRATOR OF PRISONS AT DIVISION HQ. MS. FLYNN DID ON OCT. 18, 2021 AUTHOR AN OFFICIAL DOC LETTER TO MY CHILD'S MOTHER, KRISTIE L. VIAN WHICH DID CONTAIN ARBITRARY AND CAPRICIOUS STATEMENTS THAT ARE CATEGORICALLY FALSE AND MISLEADING. DOC EMPLOYEE FLYNN DID STATE WITHIN SAID OFFICIAL DOC LETTER HER INFERENCE THAT MY CHILD'S MOTHER KRISTIE L. VIAN IS A VICTIM OF MY CURRENT OR PREVIOUSLY ADJUDICATED OFFENSE. NOTE: I HAVE NEVER BEEN CONVICTED OF A CRIME AGAINST MS. VIAN. I HAVE NEVER BEEN CONVICTED OR ADJUDICATED OR FOUND GUILTY OF A CRIME OF DOMESTIC VIOLENCE. This can be verified by cc2 MR. SCHNOOR, WHO HAS CONFIRMED THIS INFORMATION TO ME PERSONALLY ON OR ABOUT OCT 22, 2021.			
Suggested remedy: RECALL MS. FLYNN'S OCT. 18, 2021 LETTER AND INSTRUCT HER TO RE-ISSUE A NEW LETTER WITHOUT THE FALSE OR MISLEADING STATEMENTS.. OR ANY INFERRALS ABOUT AN ALLEGED CRIME.			

Signature (Required):

J Campbell

Date: 10/31/21

Resolution Specialist Response

☒ Formal concern/appeal paperwork is being prepared
☐ Request is not accepted per the Resolution Program Manual
☐ You requested to withdraw the concern
☐ Additional information and/or rewrite needed. Return by: _____
☐ No rewrite received. Resolution Specialist withdrawal on: _____
☐ Sent to _____ on _____

☐ Correspondence
☐ Administratively withdrawn
☐ Informal resolution attempt

Received from _____

on _____

Comments:

Dahne

 Resolution Specialist
 Resolution Specialist
 DOC 05-165 (Rev. 03/31/21)

Signature

RS D. Dahne

Page 1 of 2

 11/15/21
 Date

DOC 310.100, DOC 550.100



Confidential
1/1 Copy

LOG ID NUMBER
21741747

LEVEL I RESOLUTION RESPONSE

Last name Campbell	First Joseph	Middle A.	DOC number 858961
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Facility/office: SCCC

Unit/cell: H-3 B-40 — 063L

PART A – INITIAL CONCERN

Date typed: 11/15/2021

Date due: 12/08/2021

My concern is (who and/or what): I am grieving Ms. Lisa Flynn and her official DOC letter containing defamatory statement.

Location: Official Letter Authored at DOC HQ.

Date of incident: Oct 18, 2021

Time: UNKN

Witness(es): Gina Penrose: Shane Evens: Jason Martin: Mr. Michael Schnoor.

Description:

Per Re-Write Instructions I obtained a copy of the letter references below from the DOC employee, as I was a CC: recipient designated by the author of the letter Ms. Flynn. Yes I have a copy of the letter and it is also in my electronic file, to prevent any further delay or re-write instructions. I'm clarifying that I am not grieving Ms. Flynn's denial decision. I am grieving her false inference with the letter, as follows: I want to grieve the DOC employee, Lisa Flynn who is the Correctional Program Administrator of Prisos at Division HQ. Ms. Flynn did on Oct. 18, 2021 author an official DOC letter to my child's mother, Krystle L. Vian which did contain arbitrary and capricious statements that are categorically false and misleading. DOC employee Flynn did state within said official DOC Letter her inference that my child's mother Krystle L. Vian is a victim of my current or previously adjudicated offense. Note: I have never been convicted of a crime against Ms. Vian. I have never been convicted or adjudicated or found guilty of a crime of domestic violence. This can be verified by cc2 Mr. Schnoor, who has confirmed this information to me personally on or about Oct 22, 2021.

Suggested remedy:

Recant Ms. Flynn's Oct. 18, 2021 letter and instruct her to re-issue a new letter without the false or misleading statements. Or any inferences about an alleged crime.

/s/ Joseph Campbell
Requestor's signature

10/31/2021
Date

/s/ DAHNE
Resolution Specialist

RS D. Dahne
Signature

11/15/2021
Date

PART B – LEVEL I RESPONSE

Your concern was reviewed and you were interviewed. L Flynn was also contacted and court documents for Clark County District Court Case 1A0153116 were reviewed. Court documents show you guilty by plea of Malicious Mischief 3 with Ms. Vian as the victim of record which was entered on 10/15/21. It also shows a court ordered no contact with Ms. Vian that was terminated on 10/15/21. If this is incorrect it is a matter you will need to address with the courts. In regard to the Letter from L. Flynn, the language is found to be correct and no further action will be recommended.

D Dahne
Resolution Specialist

Signature

12/8/21
Date

You may appeal this response by submitting a written appeal to the Resolution Specialist

Confidential

LOG ID NUMBER
21741747

I/I Copy

LEVEL II RESOLUTION RESPONSE

Last name Campbell	First Joseph	Middle A	DOC number 858961
Facility/office: SCCC		Unit/cell: H3 063L	
PART A – INITIAL CONCERN		Date typed: 12/17/2021	Date due: 1/10/2022
My concern is (who and/or what): Ms. Lisa Flynn's official DOC letter containing a False and Defamatory RMK			
Location: SCCC		Date of incident: 10/18/2021	Time: UNKN
Witness(es): Gina Penrose; Shane Evens; Jason Martin; Mr. Michael Schnoor.			

Description:

I am appealing the L-1 resolution findings, as they are false and misleading. The L-1 resolution findings have asserted that the Clark County District Documents in my Case No. 1A0153116 were reviewed and revealed that my Plea Agreement, the Statement of Defendant on Plea of Guilt, and my Judgement and Sentence, the Order Rescinings a No Contact Order were reviewed and contain findings from the District Court that my child's Mother, Ms. Vian is the victim of some malicious mischief. This is False and Incorrect, as there is no such findings in these documents. Furthermore, the basis of my plea agreement and J&S is that Ms. Vian was found NOT to be the victim of these charges, i.e., all Domestic Violence Tag's were removed as it was determined the phone that was broken was not Ms. Vian's. If it had been, then my Conviction would have a Mandantory Domenstic Violence Tag; Which it does not. I have attached the aforesaid records for your edification. It should be considered a violation of discretion for Ms. Flynn to read things into court Documents that do not exist.

Suggested remedy:

Same as L-1; Please allow me and Ms. Vian our special Special Video Visits here at SCCC with the Superintendents approval.

Joseph Campbell
Requestor's signature

12/10/2021
Date

RS D. Brewer
Resolution Specialist

D. Brewer
Signature

12/16/2021
Date

PART B – LEVEL II RESPONSE

CPM Schreiber, R. was assigned to review your level 2 appeal. During the review, you were interviewed. In addition, DOC Policy 450.300, and all the documents that you requested to be reviewed were and have found that your grievance is unsubstantiated.

Per policy 450.300 visits for incarcerated individuals. Attachment 1, Ineligible Visitors. The following are ineligible to visit incarcerated individuals. 1. A victim of the incarcerated individual's current offense(s) or any previous adjudicated offense.

There is documentation of malicious mischief that lists the visitor in question, Krystel Vian as the victim, and in which she was also is listed as a witness. On January 25, 2021 your parole/community custody was suspended for violations listed in the State of Washington Indeterminate Sentence Review Board, Findings and Conclusions. Due to this review of this documentation the final decision made by Washington DOC Correspondence Unit, will stand as was originally written. As follows, DOC Policy 450.300, Victims of the incarcerated individual, either in the offense for which the incarcerated individual is currently incarcerated or any oth adjudicated offense may not visit. Records show the visitor in question, Krystel Vian as a victim of an

adjudicated offense.. An offense you were found guilty of per the State of Washington
Indeterminate Sentence Review Board.

Superintendent Ronald Haynes

Superintendent/Health Services Administrator/
Work/Training Release CCS/Field Administrator/designee


Signature


Date

*You may appeal this response by submitting a written appeal to the Resolution Specialist
within 5 working days from date this response was received.*

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

Distribution: ORIGINAL - Resolution Program Manager

COPY - Resolution Specialist, Individual

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR AND IN THE COUNTY OF CLARK

State of Washington
~~City of Vancouver~~
City of Camas
City of Washougal

Plaintiff

v.

Campbell, Joseph

Defendant

CASE NO. 11A0153116

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY

1. My true name is as above (or) _____
2. My age is 36 years.
3. I completed the _____ grade of school. 10/15/21 - GED EEP
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
☐ I waived this right. ☒ My lawyer's name is Marina Spencer
 - (b) I am charged with crime(s) as shown in Appendix A. The elements are set out in Appendix A of the charging document.
5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) The crime with which I am charged carries a maximum sentence and may have mandatory minimum sentence, see Appendix A. The law does not allow any reduction of a mandatory minimum sentence.
 - (b) The prosecuting authority's recommendation to the judge is contained in the pre-trial agreement.
 - (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
 - (d) The judge may place me on probation of up to five years if I am sentenced for a domestic violence offense or under RCW 4A.66.15055 up to two years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance

- ☐ (r) If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to the penalties described in the "DUI" Attachment.
- ☐ (s) If this crime involves sexual misconduct with a minor II degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the county sheriff as a Sex Offender.
- ☐ (t) If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understand that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."
- ☐ (u) If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been informed and understand that I will be subject to the penalties for Negligent Driving – 1st Degree described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."
- ☐ (v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, 64.61.504, or 46.61.5055. RCW 46.20.740(3)
- ☐ (w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, 64.61.504, 46.61.5055, 46.61.520(1) or 46.61.522(1)(b).
- ☐ (x) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, or violation of a sexual assault protection order granted under chapter 7.90 RCW, I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.
- ☐ (y) *Travel Restrictions:* I understand that I will be required to contact my probation officer, to request permission to travel or transfer to another state if I am placed on probation for one year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.
- ☐ (z) The crime charged in Count(s) _____ is/are Domestic Violence offense(s) as that term is defined in RCW 10.99.020.

7. I plead guilty to the crime(s) of Malicious Mischief 3

_____ as charged in the
complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.

☐ The complaint or citation and notice was orally amended and I waive filing of a written amended complaint or citation notice.

88. I make this plea freely and voluntarily.
99. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
100. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
111. **Statement of Facts:** The judge has asked me to state in my own words what I did that makes me guilty of the crime(s). Appendix "A" is an accurate account. In addition, I would like to add:

On January 15th, 2021 in the City of Vancouver, WA I knowingly and maliciously caused physical damage to the property of another by damaging a phone. The value of which is \$750.00 or less. BHP

☒ Statement of Facts continued on page 5

12. MY LAWYER (UNLESS I HAVE WAIVED MY RIGHT TO ONE) HAS EXPLAINED TO ME AND WE HAVE FULLY DISCUSSED, ALL OF THE ABOVE PARAGRAPHS. I UNDERSTAND THEM ALL. I HAVE BEEN GIVEN A COPY OF THIS "STATEMENT OF DEFENDANT ON PLEA OF GUILTY." I HAVE NO FURTHER QUESTIONS TO ASK THE JUDGE.

Date: October 8, 2021

CEP

Digitally signed by user
create
Reason:
Date: 10/15/2021 01:13:38
PM

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

/s/ Marina Spencer

55064

Prosecuting Authority

WSDA No

Defendant's Lawyer

WSDA No.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- ☐ (a) The defendant had previously read, or
- ☐ (b) The defendant's lawyer had previously read to him or her, or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated:

Judge of the District Court, Dept No / Commissioner

Interpreter Declaration: I am a certified interpreter who have been found to be qualified by the court to interpret in the language, which the defendant understands, and I have translated this document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____

Interpreter
TAN 02/21/2021
Signed on Plea of Guilty

Print Name

DC 1406

DISTRICT COURT OF WASHINGTON
FOR CLARK COUNTY

No. 1A0053166 WPD CN

STATE OF WASHINGTON / CITY OF VANCOUVER /
CITY OF CAMAS / WASHINGTON Plaintiff,
v.

JUDGMENT AND SENTENCE FOR:

- 1) INTERFERE WITH REPORTING DOMESTIC VIOLENCE
- 2) MALICIOUS MISCHIEFS DIV 19A.02.01
- 3) NO CONTACT / PROTECTION ORDER VIOLATION (489)

CAMPBELL, JOSEPHIA

DOB: 4/6/1985

Defendant.

ABOVE ORDER (COUNT 1) 22 3) ISSUED UNDER ☐ 26.50 ☐ 7.90 ☐ 10.99 ☐ 26.09 ☐ 26.10
☐ 26.29 ☐ 17.34 or ☐ FOREIGN ORDER. The defendant was found guilty on 10/15/2021 by ☒ plea
☐ jury verdict ☐ bench trial of: MALICIOUS MISCHIEFS 3 NO CONTACT, and the court verified the defendant's criminal history and
driving record and made findings orally therefore, the defendant is ADJUDGED guilty and sentenced as follows:

Sentence is suspended for a period of ___ years on the following conditions:

- COUNT 1) ___ days of jail and suspends ___ days; and a fine of \$ ___ with ___ suspended.
COUNT 2) 364 days of jail and suspends 363 days; and a fine of \$ 5000.00 with 5000.00 suspended.
COUNT 3) ___ days of jail and suspends ___ days; and a fine of \$ ___ with ___ suspended.

JAIL: The defendant has been sentenced to confinement totaling 1 days with credit for time served of 1
Days to be served as follows:

___ days of additional total confinement of which ___ days are mandatory minimums and cannot be reduced
☐ Defendant to be screened for Work Release ☐ Out of Custody ☐ In Custody
___ days of partial confinement on ___ EHC Work Program

The defendant shall report to jail ☐ immediately ☐ on ___ at ___
Jail sentences are ☐ concurrent ☐ consecutive with all other commitments

☐ This crime is an offense which requires sex or kidnapping registration, or is one of the following offenses: assault IV domestic violence or with sexual motivation, communication with a minor for immoral purposes, custodial sexual assault II, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor II, stalking, or violation of sexual assault protection order granted under Chapter 7.90 RCW. Therefore, the defendant shall have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.734.

☐ The court finds that the parties involved in the offense(s) charged in count(s) ___ are "family or household members" as defined by RCW 10.99.020.

☐ The court further finds that the parties involved in this matter are "family or household members" as defined by RCW 9A.36.041(4).

FINANCIAL OBLIGATION:

Fine	0.00	BAC fee	
Filing fee	0.00	Warrant fee	
Costs/Conviction Fee	0.00	DUI emergency response fee	
Indigent defense recoupment	0.00	Other	FINES FEES WAIVED
Traffic Penalty Assessment		Other	
Restitution to:		TOTAL	\$0.00

☐ Restitution to be determined Review set for ___ at ___ at which time if amount is
disputed a hearing will be set. Failure to appear at review will waive the right to dispute restitution.

Payment in full on or before: ___
\$ ___ of this total may be converted to ☐ work program.

Additional Conditions of Sentence:

- ☐ No criminal violations of law or prohibited infractions.
- ☐ Report to District Court Probation within 24 hours of court or release from custody. District Court Probation will impose all affirmative conditions of sentence compliance. Proof of compliance shall be provided to corrections.
- ☐ Not drive a motor vehicle without a valid license and proof of insurance.

☐ Probation for ____ months. Supervised probation for ____ months, with probation department and abide by all rules and regulations of probation department. Pay a pre-sentence supervision fee. Pay a monthly probation monitoring fee of \$100.

☐ Supervised probation to end upon completion of ☐ Certified domestic violence treatment and/or ☐

☐ Complete: ☐ Certified Domestic Violence Program ☐ (Begin Certified Domestic Violence Program after completion of Phase I of Two Year Alcohol/Drug Program) ☐ Anger Management (non-domestic violence only) ☐ Consumer Awareness (theft) ☐ Sexual Deviancy Counseling/Treatment
☐ Other

☐ Obtain chemical dependency evaluation from a Washington State-approved agency and comply with treatment recommendations.

☐ Enroll and successfully complete: ☐ DUI Victim's Panel ☐ Alcohol/Drug Information School ☐ One Year Alcohol/Drug Treatment ☐ Two Year Alcohol/Drug Treatment ☐ Alcohol/Drug Treatment for the period of ____ ☐ Driver Improvement School ☐ SWAY Program ☐ Domestic Violence Victim's Panel

☐ Do not go upon the property of and have no contact with _____, directly, indirectly, in person, or through any third parties ☐ except as set forth in the separate No-Contact Order/Protection Order.

☐ Do not consume, use or possess alcoholic beverages or illegal drugs.

☐ This crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130. The defendant is required to register with the county sheriff as described in the "Offender Registration" Attachment.

☒ YOU SHALL HAVE NO ILLEGAL DRUGS OR ALCOHOL IN YOUR SYSTEM when reporting to jail, future court appearances, corrections or any assigned class or program.

☐ Not Applicable

☐ Not Applicable

☐ Not Applicable

Other: DEFENDANT IS INCARCERATED FOR 2 YEARS, NO CONDITIONS OF SENTENCE ON THIS CASE

☐ Return for a review hearing: _____

Bail or Bond is ☐ Exonerated ☐ Forfeited.

I have read the rights, conditions and warnings.

NOTICE: Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100, RCW 10.73.090.

DATED: 10/15/2021

Commissioner
Erin E Priest
Digitally signed by
Commissioner Erin E Priest
Date: 2021.10.15 13:10:00
-0700

Commissioner Erin Priest

4/6/1985

DEFENDANT'S SIGNATURE

DATE OF BIRTH

☒ Acknowledged by Defendant via telephonic or video hearing - Pursuant to GAO 2020-05

DEFENSE ATTORNEY

☐ Written Waiver of Counsel is filed.

PROSECUTING ATTORNEY

**DOMESTIC VIOLENCE PROSECUTION CENTER
PRETRIAL AGREEMENT**

DEFENDANT: Campbell, Joseph
Defendant will plead guilty to:

Case #	Count	Original Charge	Amended To
A: 1A0153116	1	Interfere w/ Report DV	
B:	2	MM3 DV	MM3
C:	3	DVNCOV	
D:			
E:			
F:			

Charges to be dismissed:

Case #	Count	Charge
A:	1	Interfere w/ Report DV
B:	3	DVNCOV
C:		

RECOMMENDATION OF THE PLAINTIFF

1. JAIL

Max Days	Suspend	Days to Serve	Said Time to Be
A:			JAIL WR EHC WP CTS
B: 364	363	1	JAIL WR EHC WP CTS
C:			JAIL WR EHC WP CTS
D:			JAIL WR EHC WP CTS
E:			JAIL WR EHC WP CTS
F:			JAIL WR EHC WP CTS

Total Days: 1 Concurrent / Consecutive

2. FINANCIAL OBLIGATIONS

A:		
B: 5000	5000	0
C:		
D:		
E:		
F:		

FILING FEE (City of Vancouver Only) \$ 203
COURT IMPROVEMENT FEE (\$43) \$ 43
WARRANT FEE(S) (\$100 per warrant) \$
INDIGENT DEFENSE RECOVERY FEE (\$150) \$ (150)
DOMESTIC VIOLENCE ASSESSMENT \$ 100
OTHER \$
TOTAL FINES AND FEES \$

3. CONDITIONS OF SENTENCE

X REMAINDER SUSPENDED FOR 2 YEARS X PROBATION (ACTIVE/BENCH) FOR 2 YEARS
X NO SIMILARS/NO LAW VIOLATIONS X RESTITUTION TO victim (if any)
___ NO DRIVING WITHOUT VALID LICENSE ___ AGGRESSION MANAGEMENT LEVEL 1 / 2
___ (ALCOHOL)(SUBST. ABUSE) EVAL & TRT. ___ NO POSSESSION OF FIREARMS
___ MENTAL HEALTH EVAL & TREATMENT ___ DOMESTIC VIOLENCE TREATMENT
___ NO CONTACT WITH victim (NCO) ___ OTHER Defendant must admit to relevant conduct
___ DNA Sample (already on file) ___ Anger eval and comply with recommended treatment

REFERRAL TO:

___ MENTAL HEALTH COURT ___ SUBSTANCE ABUSE COURT ___ DIVERSION ___ VET COURT

APPROVED: Spencer Donaldson
Attorney for Plaintiff, WSBA # 57842
Date: 10/8/21

APPROVED: _____
Attorney for Defendant, WSBA # _____
Date: _____

This offer expires on: CALLED READY Attorneys free to argue? YES NO

**DISTRICT COURT OF WASHINGTON
FOR THE COUNTY OF CLARK**

No. 1A0153116 VPD CN

STATE OF WASHINGTON/ CITY OF VANCOUVER/
CITY OF CAMAS/ WASHOUGAL

Plaintiff

vs.
CAMPBELL, JOSEPH A 4/6/1985

Defendant (First, Middle, Last Name, DOB)

Order re Motion to Modify/
Rescind Domestic Violence No-
Contact Order

☐ Denied (ORDYMT)

☒ Granted (ORGMT)

(Clerk's action required)

☒ The court received a motion by ☐ Protected Person; ☐ Defendant; ☒ Per plea / other agreement; of the parties for an order to ☐ modify (replace) ☒ rescind the Domestic Violence No-Contact Order signed on 1/19/2021 (date).

Based upon the motion, declarations, and testimony, if any, and the relevant court records, the court:

☐ denies the motion.

☒ grants the motion, and

☐ replaces the order referenced above with a new Domestic Violence No-Contact Order, filed separately.

Or,

☒ rescinds the Domestic Violence No-Contact Order referenced above.

The clerk of court shall forward a copy of this order that rescinds on or before the next judicial day to: ☐ County Sheriff's Office ☐ Camas Police Department

☒ Vancouver Police Department ☐ Washougal Police Department

where the case is filed which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

☒ orders the no-contact condition of release and/or probation is terminated.

Commissioner
Erin E Priest
Digitally signed by
Commissioner Erin E Priest
Date: 2021.10.15 13:18:10
-07'00'

Dated: October 15, 2021

Commissioner Erin Priest

I acknowledge receipt of a copy of this Order:

I acknowledge receipt of a copy of this Order:

Protected Person

Defendant

Type or Print Name

Type or Print Name

MEMORANDUM OF FACTS IN SUPPORT OF GRIEVANCE:

Level 2 Appeal Log ID# 2117441747;;
Conducted By: Mr. Robb Schmeilbar, CRM
For Stafford Creek Correction Center.

Good morning Mr. Schmeilbar, below you will find the additional information that I wish to submit in addition to and in support of my level 2 appeal.

Please insure that they are scanned in so that they will be considered at level 3 should we reach that spot.

I think that my level 1 and level 2 (see log#2117441747) appeal with it's attachments pretty much substantiates the fact that Ms. Flynn was relying on the same documents that I attached to my level 2 appeal.

When Ms. Flynn issued her Oct. 18, 2021 letter of denial, denying that my child's mother, Krystle Vian was the victim of an adjudicated crime; No-Where in these documents is there any such findings.

Ms. Flynn's false statement within her Oct. 18, 2021 letter equates to official misconduct and a gross misdemeanor.

Official misconduct is a crime in Washington State: Please refer to RCW 9A.80.010§1(a)(2): Which provides, a public servant is guilty of official misconduct if he or she with intent... to deprive another person of a lawful right or privilege;

(a) He or she intentionally commits an unauthorized act under color of law.

(2) Official misconduct is a gross misdemeanor.

RCW 9A.80.010 requires proof of an unauthorized act, and intentional failure to perform a required duty. See, State v. Liewer, 65 Wn. App. 641, 647, 829 P.2d 236 (1992).

It should be noted that every DOC officer has an oath of duty to uphold, which directs them to obey DOC policy's and the law's of the State of Washington; see DOC Policy #100.100.

Specifically those individuals who were sent a carbon copy of Ms. Flynn's denial letter and those investigating any inference therein as well; i.e., Mr. Dan Van Ogel, Superintendent Mr. Ron Hayes, Superintendent, Shan Evens, Correctional Program Administrator, Jason Martin, Visit Sergeant, Lisa Flynn, Correctional Program Administration Prison Division, and D. Dahan, Resolution Hearings Officer.

Their professional duty and obligation to adhere to policy and law is irrefutable, not with standing their public duties.

The conduct committed under color off law,, State Law and perpetrated under these public servants supervision, control and authority constituting a violation off Title 18 U.S.C. §§ 241 and 242 (it is a Federal crime to violate or conspire to violate the civil rights off others)..

It is also a Federal crime to alter,, change,, conceal or destroy of official documents,, or Business records in an attempt to conceal or cover up the violation of someone's civil rights are a crime; see 18 U.S.C. §1519,, which has occurred in this case.

In addition,, it must be noted that the above named individuals collectively and individually all had knowledge of Ms. Flynn's false and defamatory statement within her Oct. 18,, 2021 official business letter.

They also had readily available access to Court records and Mr. Campbell's Omni file. Their failure to act to correct Ms. Flynn's official misconduct in opposition to their clear public duty to do so, means that they concurrently acted in concert, constituting a conspiracy to violate Mr. Campbell's constitutionally protected rights.

RCW 9A.28.040(1)(3)(e): "A person is guilty of criminal conspiracy when, with intent that conduct constitutes a crime being performed, he or she agrees with one or more persons to engage in or cause the performance of such conduct, and anyone of them takes a substantial step in pursuance of such agreement."

Further more, pursuant to RCW 42.20.040; which states, "Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor."

RCW 40.16.030 Offering False Instrument, Filing or Record:

"Every person who shall knowingly procure or offer any false or forged instrument to be filed, registered or recorded in such office under any law of this State or of the United States, is guilty of a Class C Felony and shall be punished by imprisonment in a State Correctional Facility for not more than five years, or by a fine of not more than five thousand dollars, or by both."

Ms. Flynn letter of Oct 18, 2021 constitutes a false and misleading statement within an official report; and as such was used as an instrument to deprive Mr. Campbell and Ms. Vian of their Civil Rights. This document is now in Mr. Campbell's OMNI file, which is also a public business record.

Given the foregoing, and due to the fact that Mr. Campbell and also Ms. Vian rights were so grossly violated by this defaming hearsay, and inferences, there must be proper remedy and redress in Ms. Flynn's letter being rescinded and the false statements therein being redacted.

"Every Right, when withheld,, must have a remedy, and every injury it's proper redress." see Marbury v. Madison, 5 U.S. (e Cranch.) 137, 147, 2L.Ed 60 (1803).

Thank you for your time and professional consideration.

Signed and Submitted This ____ Day Of April, 2022.

/s/ _____

Mr. Joseph Campbell

cc; Mr. Sean M. Downs,
Attorney for Joseph Campbell &
Krystal Vian;
File.



LEVEL 3 APPEAL WITH ATTACHED EVIDENCE

Confidential
1/1 Copy

RESOLUTION REQUEST

Check one: ☐ Include Log ID number for appeal or rewrite

LOG ID NUMBER: 21741747

Facility/office received
SCCCDate/time received
05.31.22 /☐ Initial ☐ Health Services ☐ Emergency ☒ Appeal ☐ Rewrite

Last name CAMPBELL	First JOSEPH	Middle initial ALLEN	DOC number 858961
Facility/office SCCC	Unit/cell H-3 B-57/L		
Location DOC - HQ / SCCC	Date of incident ONGOING	Time ONGOING	
Witness name(s) and DOC number (if relevant): SAME AS L 1 AND L 2 SEAN M. DOWN, Attorney at Law: (360) 707-7040			
Who (names) and/or what (policy, procedures, or practice) are you submitting your concern about? SAME AS L 1 AND L 2			
<p>The (L2) response is erroneous and misleading. It appears that the resolution dept. has changed the context of the issue presented to that of a visitation appeal as opposed to what was presented in the (L1) complaint, (vs. Flynn's false and defaming inferences). There is no mention of MS. VIAN's name in my JIS or in my statement of plea of guilt. DOC and it's employees may not read things into official court records that are not there. CPM Schreiber (L2) response referencing the (ISB) "Findings & Conclusions" is interesting. (ISB) hearings are governed by due process, thus I had a liberty interest in having the DOC adhere to it's own policy's and administrative rules. DOC Policy 460.140 Directive 1.A states: allegations of failure to obey all laws will be dismissed without prejudice pending the outcome of the criminal process. Interesting enough the boards "Findings and Conclusions" found I was guilty of violation's, 5 & 6 on March 25, 2021. This relates to the alleged conduct referenced in CPM Schreiber's (L2) response and Ms. Flynn's letter and the JIS reviewed at (L2) which was entered October 15, 2021; 6 months after the boards findings. Even though I categorically disagree that MS. Vian was found to be the victim through the criminal process, what we do agree on, is that I was not adjudicated of these crimes at the time the (ISB) made the findings that I had been adjudicated for these crimes at the time of my Parole Revocation Hearing, violating my procedural due process within that hearing and in contravention of DOC Policy 460.140 Directive A.1.; <u>violating the customs and calling into question the legality of my confinement and current imprisonment.</u> Lastly, if you dispute any facts or claims herein or in the (L1) and (L2) appeal or the memorandum of law provided to CPM Schreiber, (see Attached) that is not expressly disputed in your (L3) response setting forth the factual and legal basis for your opposition will be deemed admitted and agreed to by your silent acquiescence under the doctrine of notice, estoppel, waiver, public duty, chapter 62 A RCW and laws of contract. SUGGESTED REMEDY: SAME AS L 1 and L 2 see Attached.</p>			

Signature (Required): Joseph CampbellDate: 5/22/22

Resolution Specialist Response

- ☒ Formal concern/appeal paperwork is being prepared
☐ Request is not accepted per the Resolution Program Manual
☐ You requested to withdraw the concern
☐ Additional information and/or rewrite needed. Return by: _____
☐ No rewrite received. Resolution Specialist withdrawn on: _____
☐ Sent to _____ on _____

- ☐ Correspondence
☐ Administratively withdrawn
☐ Informal resolution attempt

☐ Received from _____ on _____

Comments:

Moved to Level 3.

RS D. Brewer

Resolution Specialist
DOC 055165 (Rev. 09/18/21)

RS D. Brewer

Signature
Page 11 of 12

05.31.22

Date

DOC 310.1100, DOC 550.1100



Confidential

LOG ID NUMBER
2174 1747

I/I Copy LEVEL III RESOLUTION RESPONSE

Last name Campbell	First Joseph	Middle Allen	DOC number 858961
Facility/office: SCCC		Unit/cell: H3 57L	
PART A - INITIAL CONCERN		Date typed: 6/3/2022	Date due: 6/24/2022
My concern is (who and/or what): Same as L1 and L2			
Location: DOC - HQ/SCCC		Date of incident: ongoing	Time: ongoing
Witness(es): Same as L1 and L2; Sean M. Down, Attorney at Law (360) 707-7040			
Description: The (L2) response is erroneous and misleading. It appears that the resolution dept. has changed the context of the issue presented to that of a visitation appeal as apposed to what was presented in the (L1) complaint; (Ms. Flynn's false and defaming inferences). There is no mention of Ms. Vian's name in my J&S or in my statement of plea of guilt. DOC and it's employees may not read things into official court records that are not there. CPM Schraiber (L2) response referencing the (ISRB) "Findings & Conclusion" is interesting. (ISRB) hearings are governed by due process, thus I had a liberty interest in having the DOC adhere to it's own policy's and administrative rules. DOC Policy 460.140 Directive 1.A states: allegations of failure to obey all laws will be dismissed without prejudice pending the outcome of the criminal process. Interesting enough the boards "Findings and Conclusions" found I was guilty of violation's, 5&6 on March 25, 2021. This relates to the alleged conduct referenced in CPM Schreiber's (L2) response and Ms. Flynn's letter and J&S reviewed at (L2) which was entered October 15, 2021; 6 months after the boards findings. Even though I categorically disagree that Ms. Vian was found to be the victim through the criminal process; What we do agree on, is that I was not adjudicated of these crimes at the time the (ISRB) made the finding's that I had been adjudicated for these crimes at the time of my parole revocation hearing, violating my procedural due process within that hearing and in contravention of DOC Policy 460.140 Directive A.1; tainting the outcome and calling into question the legality of my confinement and current imprisonment. Lastly, if you dispute any facts or claims herein or in the (L1) and (L2) appeal or the memorandum of law provided to CPM Schrieber, (see attached) that is not expressly disputed in you (L3) response setting forth the factual and legal basis for your opposition will be deemed admitted and greed to by your silent acquiescence under the doctrine of notice, estoppel, waiver, public duty, chapter 62 A ROW and laws of contract.			
Suggested remedy: Same as L1 and L2 see attached			
/s/ Joseph Campbell Requestor's signature		5/22/22 Date	
/s/ RS D. Brewer Resolution Specialist		5/31/22 Date	
PART B - LEVEL III RESPONSE			

Your Level 3 appeal concerning the letter sent by Correctional Program Administrator Flynn regarding your visiting denial for Krystal Vian was reviewed by CS4 J. Martin. Your initial Resolution Request and appeals were reviewed during this process.

As stated in your previous responses, Attachment 1 of DOC 450.300 Visits for Incarcerated Individuals outlines that a victim of an incarcerated individual's current offense(s) or any previous adjudicated offense, is not eligible for visitation.

Clark County District Court Case 1A0153116 shows you were found guilty of Malicious Mischief 3 with Krystal Vian as the victim of record. If you believe this electronic court record is incorrect, you will need to contact the Clark County District Court to have it modified. Due to this documentation, the current letter issued will stand as was originally written.

In conclusion, your claim that you are sent a letter with malicious and intentional "defaming inferences" was not substantiated during this review. The replies provided at Level 1 and Level 2 appropriately address your concern, and I concur with these previous responses.

Eric L. Jackson

Assistant Secretary/Deputy Assistant Secretary/
designee

Signature 714

6/10/22

Date

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

Distribution: **ORIGINAL** - Resolution Program Manager

COPY - Resolution Specialist, Individual

Confidential
/// Copy

MEMORANDUM OF FACTS IN SUPPORT OF GRIEVANCE:

**Level 2 Appeal Log # 21741747;
Conducted By: Mr. Rob Schreiber, CEN
for Stafford Creek Correction Center.**

Good morning Mr. Schreiber, below you will find the additional information that I wish to submit in addition to and in support of my level 2 appeal.

Please insure that they are scanned in so that they will be considered at level 3 should we reach that spot.

I think that my level 1 and level 2 (see log#21741747) appeal with it's attachments pretty much substantiates the fact that Ms. Flynn was relying on the same documents that I attached to my level 2 appeal.

When Ms. Flynn issued her Oct. 16, 2021 letter of denial, denying that my child's mother, Krystle Vian was the victim of an adjudicated crime; No-Where in these documents is there any such findings.

Ms. Flynn's false statement within her Oct. 18, 2021 letter equates to official misconduct and a gross misdemeanor.

Official misconduct is a crime in Washington State: Please refer to RCW 9A.80.010§1(a)(2): Which provides, a public servant is guilty of official misconduct if he or she with intent... to deprive another person of a lawful right or privilege;

(a) He or she intentionally commits an unauthorized act under color of law.

(2) Official misconduct is a gross misdemeanor.

RCW 9A.80.010 requires proof of an unauthorized act, and intentional failure to perform a required duty. See, State v. Liewer, 65 Wn. App. 641, 647, 829 P.2d 236 (1992).

It should be noted that every DOC officer has an oath of duty to uphold, which directs them to obey DOC policy's and the law's of the State of Washington; see DOC Policy #100.100.

Specifically those individuals who were sent a carbon copy of Ms. Flynn's denial letter and those investigating any inference therein as well; i.e., Mr. Dan Van Ogel, Superintendent Mr. Ron Hayes, Superintendent, Shan Evens, Correctional Program Administrator, Jason Martin, Visit Sergeant, Lisa Flynn, Correctional Program Administration Prison Division, and D. Dehan, Resolution Hearings Officer.

Their professional duty and obligation to adhere to policy and law is irrefutable, not with standing their public duties.

The conduct committed under color of law, State Law and perpetrated under these public servants supervision, control and authority constituting a violation of Title 18 U.S.C. §§ 241 and 242 (it is a Federal crime to violate or conspire to violate the civil rights of others).

It is also a Federal crime to alter, change, conceal or destroy official documents, or Business records in an attempt to conceal or cover up the violation of someone's civil rights are a crime; see 18 U.S.C. §1519, which has occurred in this case.

In addition, it must be noted that the above named individuals collectively and individually all had knowledge of Ms. Flynn's false and defamatory statement within her Oct. 18, 2021 official business letter.

They also had readily available access to Court records and Mr. Campbells Omni file. Their failure to act to correct Ms. Flynn's official misconduct in opposition to their clear public duty to do so, means that they concurrently acted in concert, constituting a conspiracy to violate Mr. Campbell's constitutionally protected rights.

RCW 9A.28.040(1)(3)(e): "A person is guilty of criminal conspiracy when, with intent that conduct constitutes a crime being performed, he or she agrees with one or more persons to engage in or cause the performance of such conduct, and anyone of them takes a substantial step in pursuance of such agreement."

Further more, pursuant to RCW 42.20.040; which states, "Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor."

RCW 40.16.030 Offering False Instrument, Filing or Record:

"Every person who shall knowingly procure or offer any false or forged instrument to be filed, registered or recorded in such office under any law of this State or of the United States, is guilty of a Class C Felony and shall be punished by imprisonment in a State Correctional Facility for not more than five years, or by a fine of not more than five thousand dollars, or by both."

Ms. Flynn letter of Oct 18, 2021 constitutes a false and misleading statement within an official report; and as such was used as an instrument to deprive Mr. Campbell and Ms. Vian of their Civil Rights. This document is now in Mr. Campbell's OMNI file, which is also a public business record.

Given the foregoing, and due to the fact that Mr. Campbell and also Ms. Vian rights were so grossly violated by this defaming hearsay, and inferences, there must be proper remedy and redress in Ms. Flynn's letter being rescinded and the false statements therein being redacted.

"Every Right, when withheld, must have a remedy, and every injury it's proper redress." see Marbury v. Madison, 5 U.S. (6 Cranch.) 137, 147, 2 L.Ed 60 (1803).

Thank you for your time and professional consideration.

Signed and Submitted This 27 Day of April, 2022.

151 
Mr. Joseph Campbell

cc; Mr. Sean M. Downs,
Attorney for Joseph Campbell &
Krystal Vian;
File.

APPENDIX F

1 Total pages: 12
2
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7 **IN THE DISTRICT COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF CLARK**

9 CITY OF VANCOUVER,) No. 1A0153116
10)
11 Plaintiff,)
12 vs.) DEFENDANT'S MOTION TO CLARIFY
13 JOSEPH A. CAMPBELL,) JUDGMENT & SENTENCE AND
14) SUPPORTING MEMORANDUM OF
Defendant.) AUTHORITIES

15 **I. MOTION**

16 **COMES NOW** Defendant, JOSEPH A. CAMPBELL, *pro se*, move this court to
17 clarify the judgment and sentence entered on October 15, 2021 and identify the named victim.

18 **II. STATEMENT OF FACTS**

19 Mr. Campbell was originally cited with (1) interference with reporting domestic
20 violence call (DV) and (2) malicious mischief third degree, from a citation filed on January
21 19, 2021. On January 19, 2021, the City filed an amended citation charging in count (2)
22 malicious mischief third degree (DV) and listing alleged victims Rosson Lee Brooks, Dale
23 Brian Golden, and Krystle Leigh Vian. On February 1, 2021, the City filed a second amended
24 citation charging (1) interference with reporting domestic violence (DV), (2) malicious
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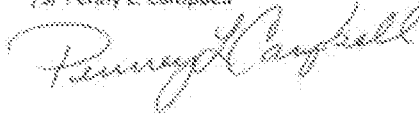
1 mischief third degree (DV) listing Krystle Leigh Vian as the alleged victim, and (3) domestic
2 violence court order violation (DV).

3 The police report for the above-captioned matter stated as follows: "Krystle
4 determined the phone broken on the couch was not hers..." Penny Campbell, Mr. Campbell's
5 mother, swore in a declaration that the broken phone in question actually belonged to her
6 husband, Dennis Campbell. *See* Email from Penny Campbell (attached as "Exhibit 1"):

8 I am Joseph Campbell's mother Penny L. Campbell. I am writing in regards to the broken
9 smashed damaged cell phone referenced in the Clark County district court case No. 1AD153116. The
10 phone in question was bought as a part a previous AT&T cell phone family plan that was on my account
and the phone was my husband's Mr. Dennis J. Campbell. When we closed that account we loaned the
11 phone to our son Joseph Campbell. We are not seeking any restitutions for the broken phone. I hope
this resolve who the phone belongs too. It was my husband's phone.

12 I Penny L. Campbell am a person over the age of 18 years of age and am of sound mind and competent
to testify to the facts stated here in. I declare under penalty of perjury pursuant to the laws the state of
Washington and the United States that the foregoing is true and correct

13 /s/ Penny L. Campbell

14 

15 The parties and the court did not address who the named victim was at the plea and
16 sentencing hearing. There was not an additional amended citation to remove the domestic
17 violence tag. Rather, it was removed as part of the plea negotiations as evidenced from the
18 plea paperwork provided to Mr. Campbell. The plea paperwork was devoid of substance as to
19 the victim's identification and none of it was addressed during the plea colloquy.

20 Ms. Vian file a motion to rescind a pretrial protection order and stated "I do not
21 believe that a crime has been committed against me. ... [A]t this point, I will invoke my 5th
22 amendment..." *See* Motion to Rescind (attached as "Exhibit 2").

23 Mr. Campbell's understanding of the essence of his plea was that Ms. Vian was not
24 considered to be the victim in this case and therefore the domestic violence tag was removed.
25
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27
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1 Mr. Campbell is currently incarcerated at Stafford Creek Corrections Center. He is
2 unable to visit with his less than one-year-old child who he shares with Ms. Vian, as DOC
3 believes that she is the named victim in the above-captioned matter. The superior court has
4 recently authorized visitation with Mr. Campbell's minor child while he is incarcerated. See
5 Superior Court Order (attached as "Exhibit 3"). It is thus necessary for this court to grant the
6 requested relief that an order be entered naming the true victim of the broken phone so Ms.
7 Vian may travel with Mr. Campbell's daughter to the prison to visit.

9 III. ARGUMENT

- 10 1. The victim of the malicious mischief third degree is Dennis Campbell, and the record
11 should reflect that.

12 The phone in question in fact belongs to Mr Campbell's father, Dennis Campbell. At
13 this point it is unclear whether the state will contest this motion, so out of abundance of
14 caution it must be stated that if contested the state must meet the petitioners evidence with its
15 own competent and admissible evidence. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1068
16 (1992). If it fails to do so, the court should grant the requested relief with regard to the
17 required factual statement. The petitioner must state with particular facts which if proven
18 would entitle him to relief. *Id.* When the allegations are based on matters outside the existing
19 records, the petitioner must demonstrate that he has competent admissible evidence to
20 establish the facts that entitle him to relief. *Id; In re Monschke*, 160 Wn. App. 479, 488, 251
21 P.3d 884 (2010).

22 In the instant case, Mr. Campbell has presented uncontested factual statements from
23 the wife of the true victim of the destroyed property. He has also presented factual statements
24 from Krystle L Vian. To wit, the State will not be able to meet petitioner's evidence with its
25 own evidence, as it is plain on its face who the actual victim of the malicious mischief third
26 degree is.

1 **IV. CONCLUSION**

2 Given the foregoing, the defendant respectfully requests that this court clarify the
3 name of the listed victim in the above-captioned case in order reflect the true victim of the
4 broken cell phone, to wit: Dennis Campbell.
5

6
7 Dated this 12 July 2022.

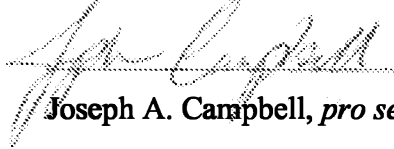
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11 Joseph A. Campbell, *pro se*
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EXHIBIT 1

sean@grfcodowns.com

Good evening Mr. Downs

I am Joseph Campbell's mother Penny L. Campbell. I am writing in regards to the broken smashed damaged cell phone referenced in the Clark County district court case No. 1A0153116. The phone in question was bought as a part a previous AT&T cell phone family plan that was on my account and the phone was my husband's Mr. Dennis J. Campbell. When we closed that account we loaned the phone to our son Joseph Campbell. We are not seeking any restitutions for the broken phone. I hope this resolve who the phone belongs too. It was my husband's phone.

I Penny L. Campbell am a person over the age of 18 years of age and am of sound mind and competent to testify to the facts stated here in. I declare under penalty of perjury pursuant to the laws the state of Washington and the United States that the forgoing is true and correct

/S/ Penny L. Campbell

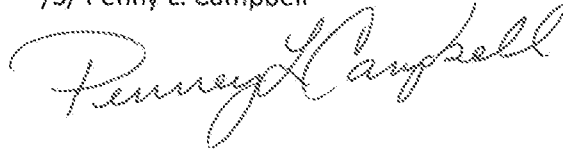
A handwritten signature in cursive script that reads "Penny L. Campbell". The signature is written in dark ink and is positioned below the typed name.

EXHIBIT 2

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR CLALLAM COUNTY

State of Washington)

City of Vancouver/Clallam Washbough)

City of Vancouver/Clallam Washbough)

Plaintiff,)

w.)

) MOTION TO RESCIND OR MODIFY

) CRIMINAL NO CONTACT ORDER

4/6/1985

Joseph Campbell

DOB

Defendant)

The Petitioner is the ☐ DEFENDANT ☒ VICTIM

Comes now the Petitioner, Krystle L. Vian and asks the court to

☒ RESCIND (terminate) ☐ MODIFY (replace) the No Contact Order issued on 1/16/2021

by Judge/Commissioner Abigail Bartlett

My relationship to the defendant/victim is Spouse

The reason(s) that I would like the no contact order rescinded: Please see
attached

The reason(s) that I would like the no contact order modified (if the court does not grant rescission of a No Contact Order it may still consider modification of the No Contact Order):

Krystle Vian
PETITIONER SIGNATURE

9/24/21
DATE

☒ I am also asking that no contact be lifted as a condition of release and/or probation.

The court will review the motion and determine whether to grant a hearing. Failure to provide current contact information including mailing address to Clallam County District Court may result in you not receiving notice that a hearing has been scheduled. Contact information may be kept confidential.

Krystle L. Vian
9027 NE 25th Circle
Vancouver, WA 98662
(360) 907-2882

September 24, 2021

RE: Joseph A. Campbell / Case No. 1A0153116

Dear Honorable Judge:

I, Krystle L. Vian, am over the age of 18 years of age, and am competent to testify to the facts contained herein.

Regarding case no. 1A0153116, I wish to have this case terminated and for Joseph and I to have full contact with no restrictions. I do not believe that a crime has been committed against me and I do believe that the police reports were inaccurate. I come here today to ask the courts to please rescind the no contact order and to drop the domestic violence charge against Joseph Campbell.

I wish to have full telephone and video communication and visiting rights with Joseph as he remains incarcerated at Stafford Creek, and to continue with full communication after his release.

Furthermore, I am currently 37 weeks pregnant with Joseph's child. This is the first child to the both of us. I am frustrated with the stress imposed on me, the baby and to Joseph by these proceedings. I thus am placing this honorable court and the parties on notice that I am not going to be a witness for the State at any point during these proceedings. Due to my own private and personal medical conditions which are protected by HIPPA laws, I believe at this point I will invoke my 5th amendment concerning any and all questioning or attempts to have me testify.

I declare under penalty of perjury pursuant to the laws of Washington State that the foregoing is true and correct.

Thank you for your time and consideration.

Dated September 24, 2021


Krystle L. Vian

EXHIBIT 3

FILED

JUN 03 2022

4:30

Scott G. Weber, Clerk, Clark Co.

Total pages: 2

RC

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON,) No. 03-1-00985-7
)
Plaintiff,)
) ORDER MODIFYING TERMS OF
vs.) COMMUNITY CUSTODY (AMENDED)
)
JOSEPH ALLEN CAMPBELL,)
) *CLERK'S ACTION REQUIRED*
Defendant.)

I. BASIS

This matter having come before the court on motion of the defendant and the court having reviewed the file and being fully advised in all matters herein. Defendant moved this court for: an order to modify the terms of community custody to authorize unrestricted contact with his newborn daughter, V.R.C..

II. FINDING

After reviewing the case record to date, and the basis for the motion, the court finds that: good cause exists. The defendant is the biological father of V.R.C. who was born within the last year. The defendant has a constitutional right to parent his minor child. The nature of the offense in the instant case did not involve V.R.C., nor did it involve a prepubescent child.

ORDER

- 1 -

GRECCO DOWNS, PLLC
ATTORNEYS AT LAW
500 W 8TH STREET, SUITE 55
VANCOUVER, WASHINGTON 98660
P: 1-855-309-4529 F: 1-855-309-4530

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III. ORDER


IT IS ORDERED that: The defendant's terms of community custody are hereby modified. Defendant is authorized to have unrestricted contact with his minor daughter, V.R.C.. This authorization includes visitation while Defendant is in the custody of the Department of Corrections. The clerk of the court shall forward a copy of this order to the Department of Corrections.

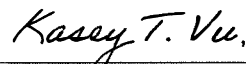
June 3, 2022
DATE


JUDGE DAVID GREGERSON

Presented By:

Agreed as to form only:


Sean M. Downs, WSBA #39856
Grecco Downs, PLLC
Attorney for Defendant


Kasey T. Vu, WSBA #31528
for Laurel Smith, WSBA #46970
Deputy Prosecuting Attorney
Clark County Prosecutor's Office
Attorney for Plaintiff

ORDER

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

State of Washington
City of Vancouver/ Camas/Washougal

Plaintiff,

v.

CAMPBELL, JOSEPH A

Defendant.

DOB: 4/6/1985

) Case No: 1A0153116 VPD CN
)
) Memorandum of Disposition
)
)
)

CRIME(S): INTERFER W/REPORTING DOMESTIC VIOL-DISMISSED

NO CONTACT/PROTECTION ORDER VIOL-DISMISSED MALICIOUS MISCHIEF-3-AMENDED TO NON DV

☐ The defendant shall be released from custody today on the above-captioned case(s) only.

Reason for release: Not Applicable

☐ The defendant is hereby remanded to custody: ☐ Hold without Bail ☐ Bail is set at \$

☐ To Supervised Release, if qualified – If not qualified bail is set at \$

☐ Bail shall remain in the amount previously set.

☐ The defendant has been sentenced to confinement totaling days with credit for time served of days to be served as follows:

days of additional total confinement of which days are mandatory minimums and cannot be reduced.

☐ Defendant shall be screened for work release ☐ Out of Custody ☐ In Custody

days of additional partial confinement on: EHC Work Program

Sentence to run ☐ concurrent ☒ consecutive with

☐ The defendant is hereby Ordered to return to court on at
Virtual Hearing via Zoom - Check into your Virtual Hearing at <https://www.clark.wa.gov/district-court>

☐ Reassign any unmet conditions

☐ Probation to terminate supervision.

☐ The defendant shall report to Clark County Probation Services Division within 24 hours of this order/release from custody.

☒ YOU SHALL HAVE NO ILLEGAL DRUGS, MARIJUANA, OR ALCOHOL IN YOUR SYSTEM when reporting to jail, future court appearances, probation or any assigned class or program.

☐ The defendant shall report to jail ☐ immediately ☐ on at

Other NO AMENDED INFORMATION CHARGING A PARTICULAR VICTIM WAS FILED AT THE TIME OF PLEA. THE PLEA PAPERWORK DOES NOT NAME WHO THE PHONE BELONGED TO.
 CHARGE WAS AMENDED TO NON DV-THERE ARE NO, NO CONTACT ORDERS IN PLACE-KEO

FAILURE TO REPORT TO JAIL, WORK RELEASE, WORK CREW MAY CONSTITUTE THE CRIME OF ESCAPE AND COULD SUBJECT THE DEFENDANT TO IMMEDIATE ARREST. FAILURE TO RETURN TO COURT AS ORDERED MAY CONSTITUTE THE CRIME OF BAIL JUMP.

Dated. 07/26/2022

**Judge Kelli
 E. Osler**

Digitally signed by Judge
 Kelli E. Osler
 Date: 2022.07.26
 10:51:42 -07'00'

Judge Kelli Osler

Signature of Defendant

Defense Atty WSBA#

Dep Pros Atty WSBA#

☒ Acknowledged by Defendant via
 telephonic or video hearing
 -Pursuant to GAO 2020-05

APPENDIX G



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
5/6/22

PAGE NUMBER
1 of 17

NUMBER
DOC 460.130

POLICY

TITLE

**RESPONSE TO VIOLATIONS AND
NEW CRIMINAL ACTIVITY**

REVIEW/REVISION HISTORY:

Effective: 6/8/00
Revised: 12/17/01
Revised: 11/7/02
Revised: 3/26/07 AB 07-007
Revised: 6/7/07 AB 07-015
Revised: 10/2/09
Revised: 9/1/10
Revised: 4/19/12
Revised: 8/3/12
Revised: 12/6/13
Revised: 9/7/15
Revised: 3/29/16
Revised: 1/1/19
Revised: 8/28/20
Revised: 8/1/21
Revised: 5/6/22

SUMMARY OF REVISION/REVIEW:

Attachment 1 - Removed unnecessary language


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

4/25/22

Date Signed

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	REVISION DATE 5/6/22	PAGE NUMBER 2 of 17	NUMBER DOC 460.130
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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9A](#); [RCW 9.68A](#); [RCW 9.94A](#); [RCW 46.61.520](#); [WAC 137-104](#); DOC 280.530 Supervision Files; DOC 320.100 Indeterminate Sentence Review Board (Board); DOC 350.750 Warrants, Detainers, and Holds; DOC 380.300 Supervision of Individuals on Conditional Release, Insanity Acquittal, and Supervised Appeal; DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative; DOC 420.390 Arrest and Search; DOC 450.500 Language Services for Limited English Proficient Individuals; DOC 460.140 Hearings and Appeals; DOC 580.655 Drug Offender Sentencing Alternative

POLICY:

- I. The Department will address all known violations.
 - A. Responses for individuals under the following supervision types will be addressed per the applicable policy:
 1. DOC 380.300 Supervision of Individuals on Conditional Release, Insanity Acquittal, and Supervised Appeal
 2. DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative
 - B. The Community Corrections Officer (CCO) will:
 1. Staff all violation behavior with the Community Corrections Supervisor (CCS)/designee, who will review reasonable cause and determine willfulness, and
 2. Respond to willful violation behavior as outlined in this policy.
- II. The Department will respond to new criminal activity committed by any individual on community supervision in the presence of an authorized employee when law enforcement declines to investigate or is unable to respond.
- III. Nothing in this policy authorizes holding an individual past the statutory maximum.

DIRECTIVE:


- I. Department Jurisdiction Violation Response
 - A. The Department maintains sanctioning jurisdiction on causes classified as:
 1. Community Custody Jail (CCJ) while not actively serving Original Jail Time (OJT), except when ordered by the court
 2. Community Custody Prison (CCP), including Prison Drug Offender Sentencing Alternative (DOSA)

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3. Community Custody Maximum (CCM)
4. Community Custody Inmate (CCI)
5. Misdemeanor Community Custody (MCC)
6. Interstate Compact (OTH-FPA, FPR, FMI, FOP)


B. The CCO will respond to violation behavior for individuals under Department jurisdiction at the earliest opportunity, but no more than 3 business days after determining a violation may have occurred.

1. Each violation process of one or more violations will be counted as one violation process.
2. The individual's violation process count will accrue during any continuous period of Department jurisdiction, regardless of cause number.
 - a. A continuous period of Department jurisdiction ends when an individual has no active, inactive, or consecutive community custody supervision periods remaining.
3. If the individual subsequently returns to supervision after Department jurisdiction has expired, the violation process count will start over.
4. Violation behavior will be addressed only through the Department's violation response, except for Prison DOSA causes when ordered by the sentencing court.
5. For individuals with a similar condition under both Department and non-Department jurisdictions, the violation will be addressed through the non-Department jurisdiction for resolution, unless approved by the Assistant Secretary for Community Corrections.
 - a. For Prison DOSA causes, violations of the DOSA Program as defined in DOC 580.655 Drug Offender Sentencing Alternative will be addressed at a Department hearing, unless ordered by the sentencing court.
6. For individuals with a similar condition on both an Interstate Compact cause and another Department jurisdiction cause(s), the violation on the non-Compact cause(s) will be considered addressed if the sending state retakes the individual for non-compliant behavior.
 - a. Once the individual has been retaken, the CCO will submit any retaking documentation to DOCSACCourtEntry@doc.wa.gov, and document the sanction in the Field Discipline section in the


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electronic file as a Swift and Certain Hearing. The reason will be noted in the narrative section.


7. If a non-Department jurisdiction orders a sanction on any cause, the CCO will submit any dispositional orders to DOCSACCourtEntry@doc.wa.gov, and document the sanction in the Field Discipline section in the electronic file as a Swift and Certain Hearing. The reason the violation was addressed by the non-Department jurisdiction will be noted in the narrative section.
 8. To address any Failure to Obey All Laws violation, both the behavior and the conviction must occur within the same term of supervision.
- C. Sanctions will follow the Behavior Accountability Guide (Attachment 1) with the following exception:
1. For individuals who were sentenced on or before May 31, 2012, and have not received an orientation on the Department's violation response, sanctions will follow Non-Department Jurisdiction Violation Response Guide (Attachment 2).
- D. Response to Low Level Violations
1. The CCO will address low level violations through the applicable violation process per Attachment 1.
 2. Prior to response, the CCS/designee will review the low level violation, including reasonable cause, and determine willfulness.
 3. Low level violations with valid aggravating factors per Attachment 1 will be addressed through a Department hearing per DOC 460.140 Hearings and Appeals.
 4. For short-term confinement sanctions, the CCO will conduct an arrest per DOC 420.390 Arrest and Search.
 - a. The CCO will provide the individual the opportunity to respond to the alleged violation at the time the individual is detained by the Department. DOC 09-325 Order for Arrest and Detention will serve as notice that the individual has the right to appeal.
 - b. The CCO will document the violation information in Violator Management.

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- c. The CCS/designee will complete the Reasonable Cause CCS Review in Violator Management within one business day.
 5. For community-based sanctions, the CCO will use DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement to impose the sanction(s). Community-based sanction options are listed in the Swift and Certain Community-Based Sanctions Options Guide (Attachment 3)
 - a. The CCO will provide the individual the opportunity to respond to the alleged violation before the sanction is imposed.
 - b. The CCO/designee will enter the Stipulated Agreement in the Field Discipline section of the electronic file as a Swift and Certain Stipulated Agreement.
 - c. The Stipulated Agreement will not be served while an individual is in a mental health facility.
- E. Response to High Level Violations and Low Level Violations with Valid Aggravating Factors
 1. The CCO will address the violation through the applicable violation process per Attachment 1.
 2. The CCS/designee will review the violation, including reasonable cause, and determine willfulness.
 3. The CCO will conduct an arrest per DOC 420.390 Arrest and Search and document the violation information in Violator Management.
 - a. Prior to arrest, the CCS/designee will complete the Reasonable Cause CCS Review in Violator Management.
 4. In lieu of arrest, or prior to the detaining facility assuming custody of the individual, certain violation processes may be mitigated per Attachment 1 with CCS/designee approval if any mitigating factors are identified.
 - a. Mitigating factors are when the individual:
 - 1) Is enrolled or participating in a therapeutic court (i.e., drug, domestic violence, veterans, or mental health).
 - 2) Is employed.

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- 3) Is participating in an identified Department-facilitated Cognitive Behavioral Intervention (CBI) or other certified community-based programming.
 - 4) Has known/established medical or mental health issues, and confinement would interfere with stability in one or more of the following areas:
 - a) Medications
 - b) Medical or mental health treatment
 - c) Housing
 - 5) Has a dependent child/family member, and confinement would interfere with the care and/or support of the child/family member.
- b. If mitigated, the violation will be addressed through a Stipulated Agreement per Attachment 1 and documented in the Field Discipline section of the electronic file.
- 1) The Stipulated Agreement will not be served while an individual is in a mental health facility.
- c. Individuals on supervision for one of the underlying felonies listed in Underlying Felony Offenses (Attachment 4) must be held in total confinement pending a sanction hearing for any behavior resulting in a new misdemeanor, gross misdemeanor, or felony conviction.
5. High level violations and low level violations with valid aggravating factors will be addressed through a Department hearing unless the violation process was mitigated.
- a. The alleged violation(s) will be submitted using DOC 09-228 Report of Alleged Violation or DOC 11-001 Negotiated Sanction, as applicable.
 - 1) Negotiated sanctions will not be used for:
 - a) Active Prison DOSA causes to address violations of the DOSA program as defined in DOC 580.655 Drug Offender Sentencing Alternative.
 - b) Active Prison DOSA, CCP, or CCI causes to address any violations for which the CCO is recommending reclassification/return.

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- c) Clemency cases to address any violations.
- b. For full hearings, the individual will be served DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver and necessary discovery materials no later than 24 hours before the scheduled hearing, unless the individual waives this requirement. The notice will inform of the individual's right to appeal. The hearing must be held within 5 days of service.
- c. For negotiated sanctions, the CCO/designee will provide the document(s) that establishes jurisdiction, along with documentation of all conditions corresponding to the alleged violations, to the Hearings Officer for review no later than 2 business days before the review session.
- d. If needed, the CCO will schedule interpretation services in advance of the hearing per DOC 450.500 Language Services for Limited English Proficient Individuals.
- 6. All aggravating factors must be validated by the Hearings Administrator/designee or Hearings Duty Officer.
 - a. The CCO or CCS/designee will request a review of the aggravating factor(s) within one business day after the arrest is conducted.
 - b. The Hearings Administrator/designee or Hearings Duty Officer will:
 - 1) Determine if the aggravating factor(s) is a valid qualifying factor listed in Attachment 1,
 - 2) Immediately notify the requesting CCO or CCS/designee of the decision, and
 - 3) Document the decision and aggravating factor(s) in the electronic file.
 - c. If the Hearings Administrator/designee or Hearings Duty Officer determines the aggravating factor is not valid, the CCO will proceed with a low level violation process.
- 7. The individual will be held in total confinement pending the hearing unless conditionally released per this policy.
 - a. In extenuating circumstances, the option for out-of-custody hearings may be requested through the CCO's chain of command

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to the Assistant Secretary for Community Corrections for approval by the Assistant Secretary for Administrative Operations.


8. Individuals found guilty at a hearing will be subject to confinement of no more than 15 days per hearing regardless of the number of violations addressed, unless the individual is subject to a return per RCW 9.94A.633 or reclassification.

F. Violation behavior that occurs while the individual is confined awaiting a Department hearing or serving a Department sanction will be addressed as follows:


1. The CCO will respond to the individual's failure to comply with court or Department-imposed conditions and/or directives from the CCO, CCS, or Hearing Officer directives through the appropriate violation process.
2. If the individual fails to comply with other facility rules/regulations, the CCO will coordinate with the holding facility to determine how the allegation(s) will be addressed. The Department and/or the holding facility may address the allegation(s).

II. Indeterminate Sentence Review Board (Board) Violation Response

- A. If an individual under Board jurisdiction has been arrested for new criminal behavior or a CCO believes an individual has violated one or more conditions of parole/community custody supervision, the CCO will notify the Board within 24 hours of becoming aware of any violation(s) and follow up by emailing a recommendation to the Board at jsrb@doc.wa.gov.
 1. If the CCO believes the individual does not pose a threat to community safety, the CCO may recommend that the violation(s) be addressed by one of the sanctions listed in Attachment 2.
 - a. For written Board warnings, the CCO will provide information regarding the violation(s) and reasoning to support the recommendation.
 - b. Stipulated agreements may be recommended for Community Custody Board and Juvenile Board cases only. The CCO will issue DOC 09-064 Board - Stipulated Agreement and email the signed form to the Board with reasoning to support the recommendation.
 2. Out-of-custody hearings may be recommended using DOC 09-117 Board - Special. If the Board decides to hold an out-of-custody hearing, the CCO will:

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- a. Serve the individual the following documents within 3 business days of written notice of probable cause from the Board, but no less than 2 business days before the scheduled hearing:
 - 1) DOC 09-304 Board - Rights and Privileges for Parole/Community Custody Violation/Revocation Hearings
 - 2) DOC 09-306 Board - Violations Specified
 - 3) DOC 09-307 Board - Request for Appointment of Attorney, if applicable
- b. Submit DOC 09-114 Board - Notice of Violation to the Board within 3 business days from the date of service of DOC 09-306 Board - Violations Specified.
3. If the violation is serious or the CCO believes the individual is a threat to community safety, the CCO will:
 - a. Conduct an arrest per DOC 420.390 Arrest and Search using DOC 09-191 Board - Order for Arrest and Detention and email a signed copy to the Board within one business day.
 - b. Serve the following documents on the individual within 3 business days of the arrest and submit copies to the Board within 24 hours of service:
 - 1) DOC 09-304 Board - Rights and Privileges for Parole/Community Custody Violation/Revocation Hearings
 - 2) DOC 09-306 Board - Violations Specified
 - 3) DOC 09-307 Board - Request for Appointment of Attorney
 - c. Submit DOC 09-114 Board - Notice of Violation to the Board within 3 business days of arrest.
- B. The Board will review the violation(s), including any Failure to Obey All Laws, and recommendations to determine probable cause and if a hearing should be held or if other sanctions would be appropriate.
 1. If additional violations surface, the CCO will re-serve the individual in a timely manner using DOC 09-306 Board - Violations Specified including the additional violations, and submit DOC 09-118 Board - Supplemental Notice of Violation to the Board.
- C. The Department will prepare for a Board hearing and respond to requests from the Board per DOC 320.100 Indeterminate Sentence Review Board (Board). A

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Department hearing will not be conducted for violation of a Board-imposed condition.

III. Court Jurisdiction Violation Response

A. The court maintains jurisdiction on:

1. Causes classified as:

- a. Special Sex Offender Sentencing Alternative (SCC)
- b. Residential DOSA (CCD)
- c. Post-Release Supervision (PRS)
- d. Misdemeanor (MIS)
- e. Misdemeanor Community Custody (MCC), only when recommending revocation
- f. Community Supervision (SUP)
- g. Probation (PRO)
- h. Family and Offender Sentencing Alternative (CCF)

2. Any violations of OJT.

3. Any violations committed while serving OJT, except when ordered by the court.

B. The CCO will respond to violations committed by individuals under court jurisdiction at the earliest opportunity after determining a violation may have occurred.


1. For Family and Offender Sentencing Alternative (FOSA) causes, violations will be reported within 3 business days.

2. For all other causes, violations will be reported within 14 days.

C. The sentencing court will be notified of the alleged violation(s), including Failure to Obey All Laws violations. The notice will specify any action taken or recommended to the court, and may include a recommended sanction as listed in Attachment 2.

1. Options for responding to alleged violations are:

- a. Written Warning/Reprimand, using DOC 17-080 Written Warning/Reprimand.
- b. Stipulated Agreement, using DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement.

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c. Notice of Violation, using DOC 09-122 Court - Notice of Violation.

- 1) For FOSA causes, the notice will be submitted within 10 business days of notifying the court of the alleged violation(s).
- 2) CCOs may recommend up to 60 days confinement per violation or revocation.


2. The CCO will submit any dispositional orders to DOCSACCourtEntry@doc.wa.gov, and document the sanction in the Field Discipline section of the electronic file as a Hearing.

D. If the Department receives notification of a new criminal arrest or citation, the CCO will enter a New Crime Notification in the Field Discipline section of the electronic file to ensure the new criminal activity is documented.


IV. Department Response to New Criminal Activity When Law Enforcement Declines to Investigate or is Unable to Respond

A. If any individual, regardless of supervision type, commits a criminal offense in the presence of an employee authorized to conduct an arrest, the employee will arrest the individual per DOC 420.390 Arrest and Search and use DOC 09-278 New Criminal Activity Hold to hold the individual in total confinement.

1. For individuals on supervision for one of the underlying felonies per Attachment 4, the individual will be held in total confinement for 30 days or until the Department receives written notice of a charging decision, whichever is sooner.
 - a. The CCO will monitor the new arrest for new criminal charges at least once every 7 days and document the action in the electronic file.
2. All other individuals will be held in total confinement for no more than 3 business days or until the Department receives written notice of a charging decision, whichever is sooner.
3. Once a charging decision is received, DOC 09-301 Cancellation of New Criminal Activity Hold will be submitted to the detaining facility to release the New Criminal Activity Hold on the individual.
4. The CCO/designee will scan any written notice of the charging decision into the electronic imaging file and enter the decision as a Chronological Event (chrono) in the electronic file.

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- B. The employee will use DOC 09-282 Statement of Investigating Officer Affidavit of Facts to notify the charging prosecutor of the Department's detention of the individual. Notification will be made the same day as the arrest.
- C. The employee will complete DOC 09-283 Criminal Incident Report and all other employees with substantial involvement will complete DOC 09-284 Supplemental Report.
 1. All reports will be completed and submitted to the charging prosecutor within 3 business days after the arrest or on a schedule determined by the prosecutor.
 2. Any information gathered after submission of the initial Criminal Incident Report will be reported to the charging prosecutor on DOC 09-284 Supplemental Report.
- V. Response to Failure to Obey All Laws Violations for Individuals under Department Jurisdiction
 - A. Within 3 business days of becoming aware of new criminal behavior, the CCO will:
 1. Request an Administrative Dismiss Without Prejudice (DWOP) for the Failure to Obey All Laws violation(s) as outlined in this policy.
 2. Identify any other associated violations and proceed with the applicable violation process.
 - B. Administrative Dismiss Without Prejudice (DWOP) for Failure to Obey All Law Violations
 1. An Administrative DWOP means the alleged violation(s) is pending and may be addressed through a future violation process.
 2. The CCO will staff the decision to request dismissal without prejudice with the CCS/designee using DOC 09-264 Request and Authorization for Administrative Dismiss Without Prejudice (DWOP). If approved to proceed, the CCO will document the request in the electronic file.
 3. The Hearings Administrator/designee or Hearings Duty Officer are authorized to DWOP new allegations of criminal behavior pending the outcome of local prosecution. The Hearings Administrator/designee or Hearings Duty Officer will document the Administrative DWOP decision in the electronic file.

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4. The CCO will monitor the Administrative DWOP at least once every 30 days until the court or sending state makes a final decision, or the Department no longer has jurisdiction. The CCO will document the activity in the electronic file.
 - a. If the individual is on an inactive caseload (i.e., "S" caseload), the open DWOP will be monitored per the review schedule for inactive cases as outlined in DOC 280.530 Supervision Files.
5. An Administrative DWOP will be resolved by addressing the new criminal conviction through a Department hearing, a low level violation process, or an Administrative Dismiss With Prejudice (DWP), except when the Department no longer has jurisdiction.

C. Addressing New Criminal Convictions

1. When the Department has sufficient evidence of a new conviction, the violation will be addressed per Attachment 1.
 - a. Reasonable attempts will be made to obtain an official signed court document (e.g., Judgment and Sentence, Court Judgment, Finding of Guilt, Statement of Defendant on Plea of Guilty) as evidence of the new conviction.
 - b. If the attempts are unsuccessful, a printout from the Judicial Access Browser System (JABS) or equivalent court record database may be used, provided the printout contains sufficient detail about the precise crime for which the individual was convicted.

D. Administrative Dismiss With Prejudice (DWP) for Failure to Obey All Law Violations


1. An Administrative DWP means the alleged violation(s) is dismissed and cannot be addressed through another violation process.
2. Documents needed to verify the charge was dismissed include a court order of dismissal, written notice from the prosecutor that no charges will be filed, or a Finding of Not Guilty.
 - a. A printout from JABS or an equivalent court record database may be used if it specifically states the crime title and that the count was Dismissed With Prejudice or resulted in a Not Guilty Finding or No Charges Filed Final (NCF Final).

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3. The CCO will staff the decision to request dismissal with prejudice with the CCS/designee using DOC 09-300 Request and Authorization for Administrative Dismiss With Prejudice (DWP), including supporting evidence.
4. The CCO will document the Administrative DWP request in the electronic file.
5. The Hearings Administrator/designee and Hearings Duty Officer are authorized to approve the Administrative DWP. The Hearings Administrator/designee or Hearings Duty Officer will document the decision in the electronic file.

VI. Conditional Release

- A. Only the Board can approve/deny a conditional release and impose directives/conditions for individuals under Board jurisdiction. To request a conditional release, the CCO will contact the Board onsite desk.
- B. Conditional Release for Individuals under Department Jurisdiction
 1. A conditional release may be requested when:
 - a. A hospital or medical/mental health facility has admitted the individual or indicates the individual will be admitted, or
 - b. The detaining facility has declined to resume/maintain custody of the individual due to a medical/mental health issue, even when the individual has been cleared for booking by a medical/mental health provider.
 2. During business hours, exceptions may be requested through the CCO's chain of command to the Field Administrator for approval by the Hearings Administrator. After hours, exceptions may be requested through the Headquarters Duty Officer.
 3. The CCO will request conditional release by submitting DOC 09-269 Conditional Release Request and Authorization. The CCO will coordinate the request with the Nurse Desk.
 - a. During business hours, the CCO will staff the decision to request a conditional release with the CCS/designee. If the CCS/designee approves the request to proceed, the CCO will submit DOC 09-269 Conditional Release Request and Authorization to the Hearings Duty Officer.

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- b. After hours, the CCO will staff the decision with the CCS/designee or section Duty Officer, who will contact the Hearings Duty Officer. If the Hearings Duty Officer approves the request, DOC 09-269 Conditional Release Request and Authorization will be submitted by the CCO or the Warrants Desk no later than the next business day.
 4. The Hearings Duty Officer has the authority to approve/deny the conditional release request using DOC 09-269 Conditional Release Request and Authorization.
 - a. The Hearings Duty Officer will notify the CCO and CCS/designee, and document the decision in the electronic file within one business day.
 - 1) If the conditional release is approved after hours, the Hearings Duty Officer will also contact the Headquarters Warrants Desk, which will document the approval in the electronic file and process the authorization.
 5. If conditional release is approved, the individual will be directed to report within one business day of release from confinement or discharge from the hospital or medical/mental health facility.
 - a. The CCO will monitor the conditional release at least once every 30 days and document the progress in the electronic file. Monitoring will continue until the violation process is complete or the Department no longer has jurisdiction.
 - b. Upon reporting, the individual will be arrested and detained to complete the original violation process or sanction.
 - 1) If the individual has a low level violation, the individual will complete the remainder of the original sanction, and the CCO will release the individual per DOC 350.750 Warrants, Detainers, and Holds. The CCO will notify the Hearings Duty Officer when the individual is returned to custody.
 - 2) If the individual was conditionally released before a hearing, the CCO will request a hearing.
 - a) In the request, the CCO will specify the original arrest and conditional release dates.

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- b) Hearings Records will document the number of days served, before the conditional release and after return to custody, on the Hearing Preparation Sheet.
- 3) If the individual was conditionally released after a hearing, the CCO will notify the Hearings Duty Officer, who will complete an amended confinement order using DOC 09-238 Confinement Order. The order will reflect credit for time previously served on the sanction and indicate sanction days remaining or reclassification/return.
- 4) If the individual has ongoing medical/mental health issues that prevent being returned to custody, the CCO or CCS/designee will consult with the Nurse Desk and obtain approval from the Hearings Duty Officer to continue monitoring the conditional release.
 - a) The CCO will document the progress in the electronic file.
 - b) The CCO or CCS/designee will consult with the Nurse Desk and seek Hearings Duty Officer approval every 30 days for continued monitoring. Monitoring will continue with approval until the violation process is complete or the Department no longer has jurisdiction.
- c. If the individual fails to report within one business day of release from the hospital or medical/mental health facility, the individual will be considered to have absconded.


DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Behavior Accountability Guide (Attachment 1)
 Non-Department Jurisdiction Violation Response Guide (Attachment 2)
 Swift and Certain Community-Based Sanctions Options Guide (Attachment 3)
 Underlying Felony Offenses (Attachment 4)

DOC FORMS:

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DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement
 DOC 09-064 Board - Stipulated Agreement
 DOC 09-114 Board - Notice of Violation
 DOC 09-117 Board - Special
 DOC 09-118 Board - Supplemental Notice of Violation
 DOC 09-122 Court - Notice of Violation
 DOC 09-191 Board - Order for Arrest and Detention
 DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement
 DOC 09-228 Report of Alleged Violation
 DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver
 DOC 09-238 Confinement Order
 DOC 09-264 Request and Authorization for Administrative Dismiss Without Prejudice (DWOP)
 DOC 09-269 Conditional Release Request and Authorization
 DOC 09-278 New Criminal Activity Hold
 DOC 09-282 Statement of Investigating Officer Affidavit of Facts
 DOC 09-283 Criminal Incident Report
 DOC 09-284 Supplemental Report
 DOC 09-300 Request and Authorization for Administrative Dismiss With Prejudice (DWP)
 DOC 09-301 Cancellation of New Criminal Activity Hold
 DOC 09-304 Board - Rights and Privileges for Parole/Community Custody Violation/
 Revocation Hearings
 DOC 09-306 Board - Violations Specified
 DOC 09-307 Board - Request for Appointment of Attorney
 DOC 09-325 Order for Arrest and Detention
 DOC 11-001 Negotiated Sanction
 DOC 17-080 Written Warning/Reprimand

GRECCO DOWNS, PLLC

September 02, 2022 - 2:28 PM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State of Washington Vs Campbell, Joseph Allen
Trial Court Case Number: 03-1-00985-7
Trial Court County: Clark Superior Court
Signing Judge:
Judgment Date:

The following documents have been uploaded:

- PRP_Personal_Restraint_Petition_20220902142717D2284257_8342.pdf
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